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THE

PUBLIC GENERAL ACTS

OF

1922

PASSED IN THE TWELFTH AND THIRTEENTH YEARS

OF THE REIGN OF HIS MAJESTY

KING GEORGE THE FIFTH;

BEING THE

FIFTH SESSION OF THE THIRTY-FIRST AND
THE FIRST SESSION OF THE
THIRTY-SECOND PARLIAMENT

OF THE

UNITED KINGDOM OF GREAT BRITAIN
AND IRELAND

110313

WITH A

TABLE OF THE TITLES, THE EFFECT OF THE
YEAR'S LEGISLATION, AND AN INDEX.

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TABLE I.

A

TABLE

OF

THE TITLES OF THE PUBLIC GENERAL ACTS OF 1922

being the Acts passed in the FIFTH SESSION of the THIRTY-FIRST and the FIRST SESSION of the THIRTY-SECOND PARLIAMENT of the UNITED KINGDOM of GREAT BRITAIN and IRELAND.

12 & 13 GEORGE 5.—A.D. 1922.
13 GEORGE 5 (SESSION 2).—A.D. 1922.

12 GEO. 5.

1. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and twenty-two. (*Consolidated Fund* (*No.* 1).)

2. An Act to continue temporarily the Coroners (Emergency Provisions) Act, 1917, and section seven of the Juries Act, 1918. (*Coroners* (*Emergency Provisions Continuance*).)

3. An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and twenty-one, one thousand nine hundred and twenty-two, and one thousand nine hundred and twenty-three. (*Consolidated Fund* (*No.* 2).)

4. An Act to give the force of Law to certain Articles of Agreement for a Treaty between Great Britain and Ireland, and to enable effect to be given thereto, and for other purposes incidental thereto or consequential thereon. (*Irish Free State* (*Agreement*).)

5. An Act to increase the charges made by Pawnbrokers. (*Pawnbrokers.*)

6. An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and Air Force. (*Army and Air Force (Annual).*)

7. An Act to amalgamate the rates of contribution and the rates of benefit under the Unemployment Insurance Acts, 1920 and 1921, and the Unemployed Workers' Dependants (Temporary Provision) Act, 1921, otherwise to amend the Unemployment Insurance Acts, 1920 and 1921, and to repeal the Unemployed Workers' Dependants (Temporary Provision) Act, 1921, and for purposes connected therewith. (*Unemployment Insurance.*)

8. An Act to remove temporarily the limit on the moneys provided by Parliament for the purposes of the Diseases of Animals Acts. (*Diseases of Animals.*)

9. An Act to empower the Secretary of State in Council of India to raise money in the United Kingdom for the service of the Government of India and for other purposes relating thereto. (*East India Loans (Railways and Irrigation).*)

10. An Act to make provision with respect to the validity of Decrees granted in the Kenya Colony and Protectorate for the dissolution of the marriage of persons domiciled in the United Kingdom. (*Kenya Divorces (Validity).*)

12 & 13 Geo. 5.

11. An Act to amend the Law with respect to the preparation of Jurors Books, and otherwise to amend the Law relating to Jurors and Juries, in England and Wales. (*Juries.*)

12. An Act to alter certain dates prescribed by the Representation of the People Act, 1918, in connection with the registration of electors, and to amend section fifty-four of the Local Government Act, 1888. (*Representation of the People.*)

13. An Act to make better provision for furthering British settlement in His Majesty's Oversea Dominions. (*Empire Settlement.*)

14. An Act to make provision with respect to the period for which certain accounts subject to audit by district auditors are to be made up and audited, and to authorise the holding of extraordinary audits of any such accounts. (*Audit (Local Authorities, &c.).*)

15. An Act to amend the Government of the Soudan Loan Act, 1919. (*Government of the Soudan Loan (Amendment).*)

16. An Act to assimilate and amend the Law of Real and Personal Estate, to abolish copyhold and other special tenures, to amend the law relating to commonable lands and of intestacy and to amend the Wills Act, 1837, the Settled Land Acts, 1882 to 1890, the Conveyancing Acts, 1881 to 1911, the Trustee Act, 1893, and the Land Transfer Acts, 1875 and 1897. (*Law of Property.*)

17. An Act to grant certain Duties of Customs and Inland Revenue (including Excise), to alter other Duties, and to amend the Law relating to Customs and Inland Revenue (including Excise), and the National Debt, and to make further provision in connection with Finance. (*Finance.*)

18. An Act to provide that a woman who wilfully causes the death of her newly-born child may, under certain conditions, be convicted of infanticide. (*Infanticide.*)

19. An Act to repeal section two of the Gaming Act, 1835. (*Gaming.*)

20. An Act to make further provision with respect to the qualifications of Judges of High Courts in British India. (*Indian High Courts.*)

21. An Act for enabling effect to be given to two Treaties signed at Washington on behalf of His Majesty and certain other Powers. (*Treaties of Washington.*)

22. An Act to provide for the time in Great Britain, Northern Ireland, the Channel Islands, and the Isle of Man being in advance of Greenwich mean time during a certain period of the year. (*Summer Time.*)

23. An Act to amend and extend the duration of the Harbours, Docks, and Piers (Temporary Increase of Charges) Act, 1920. (*Harbours, Docks, and Piers (Temporary Increase of Charges).*)

24. An Act to authorise the Treasury to guarantee payment of the principal of and the interest on loans to be raised by the Government of Northern Ireland. (*Government of Northern Ireland (Loan Guarantee).*)

25. An Act to remove doubts as to the powers of the Board of Trade under the British Empire Exhibition (Guarantee) Act, 1920. (*British Empire Exhibition (Amendment).*)

26. An Act to provide money for the payment of calls on share capital in the Anglo-Persian Oil Company, Limited, acquired under the Anglo-Persian Oil Company (Acquisition of Capital) Amendment Act, 1919, and to amend the Law with respect to the application of dividends or interest on capital held in the said Company. (*Anglo-Persian Oil Company (Payment of Calls).*)

27. An Act for the continuance of Charging Powers in respect of Canal or Inland Navigation Undertakings of which possession was retained or taken by the Minister of Transport under the Ministry of Transport Act, 1919. (*Canals (Continuance of Charging Powers).*)

28. An Act to amend the enactments relating to the provision of regulations for the making and sale of bread, and for preventing the adulteration of meal, flour, and bread. (*Bread Acts Amendment.*)

29. An Act to provide for the better protection of the public in relation to the sale of tea. (*Sale of Tea.*)

30. An Act to amend section four of the Unemployment Insurance Act, 1922, so far as relates to the third special period mentioned in that Act. (*Unemployment Insurance (No. 2).*)

31. An Act to extend the powers of the Courts of the Universities of Scotland in the making of Ordinances for the superannuation and pensioning of Principals and Professors, and for the admission of Lecturers and Readers to the Senatus Academicus, and to provide for the admission of Lecturers and Readers to membership of the General Councils of those Universities. (*Universities (Scotland).*)

32. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and twenty-three, and to appropriate the Supplies granted in this Session of Parliament. (*Appropriation.*)

33. An Act to grant money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. (*Public Works Loans.*)

34. An Act to make further provision with respect to the cancelling or suspending of licences under the Whale Fisheries (Scotland) Act, 1907. (*Whale Fisheries (Scotland) (Amendment).*)

35. An Act to make better provision for the prevention of fire in premises where raw celluloid or cinematograph film is stored or used. (*Celluloid and Cinematograph Film.*)

36. An Act to amend the Law with respect to Customs in the Isle of Man. (*Isle of Man (Customs).*)

37. An Act to amend the Naval Discipline Act. (*Naval Discipline.*)

38. An Act to make further provision with respect to the cost of medical benefit and to the expenses of the administration of benefits under the Acts relating to National Health Insurance, to repeal section two and to amend section twenty-nine of the National Health Insurance Act, 1918, and for purposes connected therewith. (*National Health Insurance.*)

39. An Act to make provision against the discharge or escape of oil into navigable waters. (*Oil in Navigable Waters.*)

40. An Act to confirm an agreement between the Mayor and Commonalty and Citizens of the City of London and the President of the Air Council in relation to the acquisition of certain lands in the county of Surrey, and for purposes in connection therewith. (*Air Ministry* (*Kenley Common Acquisition*).)

41. An Act to amend section thirty-four of the Representation of the People Act, 1918, as respects offences under that section committed by bodies of persons. (*Representation of the People* (*No.* 2).)

42. An Act to provide for the payment of contributions by teachers towards the cost of benefits under the School Teachers (Superannuation) Act, 1918, and for matters incidental thereto, and to make provision as to the calculation of average salary for the purposes of the said Act. (*School Teachers* (*Superannuation*).)

43. An Act to confirm an agreement made between the Pneumatic Despatch Company, Limited, and the Postmaster-General for the acquisition by the Postmaster-General of a certain tube running between St. Martin's-le-Grand in the City of London and Eversholt Street, in the Metropolitan Borough of St. Pancras, and for purposes connected therewith. (*Post Office* (*Pneumatic Tubes Acquisition*).)

44. An Act to amend the British Nationality and Status of Aliens Acts, 1914 and 1918, as respects the acquisition of British nationality by persons born out of His Majesty's Dominions. (*British Nationality and Status of Aliens.*)

45. An Act to provide for raising further Money for the purpose of the Telegraph Acts, 1863 to 1921. (*Telegraph* (*Money*).)

46. An Act to amend the Law with respect to the supply of electricity. (*Electricity* (*Supply*).)

47. An Act to amend the Law as respects certain matters in connection with which the consent of the Railway and Canal Commission is required. (*Railway and Canal Commission* (*Consents*).)

48. An Act to provide for the payment of contributions towards the costs of benefits under the scheme framed and approved in terms of the Education (Scotland) (Superannuation) Act, 1919, and for matters incidental thereto, and for the payment from the Consolidated Fund of deferred annuities in respect of contributions under the Elementary School Teachers (Superannuation) Act, 1898. (*Education* (*Scotland*) *Superannuation.*)

49. An Act to amend the Law with respect to the Remuneration of Railway Companies for the Conveyance of Parcels. (*Post Office* (*Parcels*).)

50. An Act to deal with certain Expiring Laws by making some of them permanent, repealing others, and continuing the remainder for a limited period. (*Expiring Laws.*)

51. An Act to amend the Law relating to Allotments. (*Allotments.*)

52. An Act to amend the Law relating to Allotments in Scotland. (*Allotments* (*Scotland*).)

53. An Act to make provision with respect to the disposal of sums received in respect of the carrying on and liquidation of the Expeditionary Force Canteens and the Navy and Army Canteen Board. (*War Service Canteens* (*Disposal of Surplus*).)

54. An Act to postpone for a further period the operation of the Milk and Dairies (Consolidation) Act, 1915, and the Milk and Dairies (Scotland) Act, 1914, to make further provision with regard to the sale of milk and for purposes connected therewith. (*Milk and Dairies* (*Amendment*).)

55. An Act to make provision for the disbandment of the Royal Irish Constabulary and with respect to magistrates appointed under the Acts relating to that Force, and for the validation of things done or omitted in the execution or purported execution of those Acts, and for other purposes incidental thereto. (*Constabulary* (*Ireland*).)

56. An Act to amend the law with respect to offences against persons under the age of sixteen, and with respect to penalties under section thirteen of the Criminal Law Amendment Act, 1885, and to repeal section five of the Punishment of Incest Act, 1908. (*Criminal Law Amendment.*)

57. An Act to make further provision with respect to the qualifications of persons proposing to become or to practise as Solicitors. (*Solicitors.*)

58. An Act to amend the Ecclesiastical Tithe Rentcharge (Rates) Act, 1920, in respect of the relief or abatement to an owner of tithe rentcharge who holds more than one benefice. (*Ecclesiastical Tithe Rentcharges* (*Rates*).)

59. An Act to provide for the Superannuation of Persons employed by Local Authorities and other Public Bodies. (*Local Government and other Officers' Superannuation.*)

60. An Act to amend the Law relating to Chancery Lunatics. (*Lunacy.*)

13 GEO. 5 (SESSION 2)

1. An Act to provide for the Constitution of the Irish Free State. (*Irish Free State Constitution.*)

2. An Act to make such provisions as are consequential on or incidental to the establishment of the Irish Free State. (*Irish Free State (Consequential Provisions).*)

3. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-three, and to appropriate the Supplies granted in this Session of Parliament. (*Appropriation.*)

4. An Act to amend section one of the Trade Facilities Act, 1921, and the Overseas Trade Acts, 1920 and 1921, and to authorise the Treasury to guarantee certain loans to be raised by the Government of the Federal Republic of Austria and the Government of the Soudan respectively. (*Trade Facilities and Loans Guarantee.*)

5. An Act to amend the Law with respect to the landing of imported animals in Great Britain and matters connected therewith. (*Importation of Animals.*)

THE

PUBLIC GENERAL STATUTES.

[12 GEO. 5.]

CHAPTER 1.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and twenty-two.

[2nd March 1922.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Issue of 2,961,704*l.* out of the Consolidated Fund for the service of the year ending 31st March 1922.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-two, the sum of two million nine hundred and sixty-one thousand seven hundred and four pounds.

Short title.

2. This Act may be cited as the Consolidated Fund (No. 1) Act, 1922.

CHAPTER 2.

An Act to continue temporarily the Coroners (Emergency Provisions) Act, 1917, and section seven of the Juries Act, 1918.

[2nd March 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Continuance of 7 & 8 Geo. 5. c. 19, and 8 & 9 Geo. 5. c. 23. s. 7.

1. The Coroners (Emergency Provisions) Act, 1917, and section seven of the Juries Act, 1918, which are limited to expire on the twenty-eighth day of February, nineteen hundred and twenty-two, shall be continued until the thirty-first day of December, nineteen hundred and twenty-two, and shall then expire unless further continued.

Short title.

2. This Act may be cited as the Coroners (Emergency Provisions Continuance) Act, 1922.

CHAPTER 3.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and twenty-one, one thousand nine hundred and twenty-two, and one thousand nine hundred and twenty-three.

[29th March 1922.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sums hereinafter mentioned; and do therefore most humbly

beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Issue of 11,436,882*l.* 14*s.* 10*d.* out of the Consolidated Fund for the service of the years ended 31st March, 1921 and 1922.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the years ending on the thirty-first day of March, one thousand nine hundred and twenty-one, and one thousand nine hundred and twenty-two, the sum of eleven million four hundred and thirty-six thousand eight hundred and eighty-two pounds fourteen shillings and ten pence.

Issue of 196,732,000*l.* out of the Consolidated Fund for the service of the year ending 31st March 1923.

2. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-three, the sum of one hundred and ninety-six million seven hundred and thirty-two thousand pounds.

Power for the Treasury to borrow.

3.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole two hundred and eight million one hundred and sixty-eight thousand eight hundred and eighty-two pounds fourteen shillings and ten pence.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and twenty-three, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

Short title.

4. This Act may be cited as the Consolidated Fund (No. 2) Act, 1922.

CHAPTER 4.

An Act to give the force of Law to certain Articles of Agreement for a Treaty between Great Britain and Ireland, and to enable effect to be given thereto, and for other purposes incidental thereto or consequential thereon. [31st March 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Provisions for giving the force of law to and carrying into effect Irish Agreement.

1.—(1) The Articles of Agreement for a Treaty between Great Britain and Ireland set forth in the Schedule to this Act shall have the force of law as from the date of the passing of this Act.

(2) For the purpose of giving effect to Article 17 of the said Agreement, Orders in Council may be made transferring to the Provisional Government established under that Article the powers and machinery therein referred to, and as soon as may be and not later than four months after the passing of this Act the Parliament of Southern Ireland shall be dissolved and such steps shall be taken as may be necessary for holding, in accordance with the law now in force with respect to the franchise number of members and method of election and holding of elections to that Parliament, an election of members for the constituencies which would have been entitled to elect members to that Parliament, and the members so elected shall constitute the

House of the Parliament to which the Provisional Government shall be responsible, and that Parliament shall, as respects matters within the jurisdiction of the Provisional Government, have power to make laws in like manner as the Parliament of the Irish Free State when constituted. Any Order in Council under this section may contain such incidental, consequential, or supplemental provisions as may appear to be necessary or proper for the purpose of giving effect to the foregoing provisions of this section.

(3) Any Order in Council made under this Act shall be laid before both Houses of Parliament as soon as may be after it is made, and if an Address is presented to His Majesty by either of those Houses within twenty-one days on which that House has sat next after any such Order is laid before it, praying that any such Order may be annulled, His Majesty may thereupon by Order in Council annul the same, and the Order so annulled shall forthwith become void, but without prejudice to the validity of any proceedings which may in the meantime have been taken thereunder; and any Order in Council made under this Act shall, subject to the foregoing provisions of this subsection be of the same effect as if enacted in this Act, but may be revoked or amended by a subsequent Order in Council:

Provided that Orders in Council under this Act shall not be deemed to be Statutory Rules within the meaning of section one of the Rules Publication Act, 1893. 56 & 57 Vict. c. 66.

(4) No writ shall be issued after the passing of this Act for the election of a member to serve in the Commons House of Parliament for a constituency in Ireland other than a constituency in Northern Ireland.

(5) This Act shall not be deemed to be the Act of Parliament for the ratification of the said Articles of Agreement as from the passing whereof the month mentioned in Article 11 of the said Articles is to run.

2. This Act may be cited as the Irish Free State (Agreement) Act, 1922. Short title.

Section 1.

SCHEDULE.

ARTICLES OF AGREEMENT FOR A TREATY BETWEEN GREAT BRITAIN AND IRELAND, DATED THE SIXTH DAY OF DECEMBER, NINETEEN HUNDRED AND TWENTY-ONE.

1. Ireland shall have the same constitutional status in the Community of Nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa, with a Parliament having powers to make laws for the peace order and good government of Ireland and an Executive responsible to that Parliament, and shall be styled and known as the Irish Free State.

2. Subject to the provisions hereinafter set out the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada, and the law, practice and constitutional usage governing the relationship of the Crown or the representative of the Crown and of the Imperial Parliament to the Dominion of Canada shall govern their relationship to the Irish Free State.

3. The representative of the Crown in Ireland shall be appointed in like manner as the Governor-General of Canada, and in accordance with the practice observed in the making of such appointments.

4. The oath to be taken by Members of the Parliament of the Irish Free State shall be in the following form:—

> I . . . . do solemnly swear true faith and allegiance to the Constitution of the Irish Free State as by law established and that I will be faithful to H.M. King George V., his heirs and successors by law in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations.

5. The Irish Free State shall assume liability for the service of the Public Debt of the United Kingdom as existing at the date hereof and towards the payment of war pensions as existing at that date in such proportion as may be fair and equitable, having regard to any just claims on the part of Ireland by way of set off or counterclaim, the amount of such sums being determined in default of agreement by the arbitration of one or more independent persons being citizens of the British Empire.

6. Until an arrangement has been made between the British and Irish Governments whereby the Irish Free State undertakes her own coastal defence, the defence by sea of Great Britain and Ireland shall be undertaken by His Majesty's Imperial Forces, but this shall not prevent the construction or maintenance by the Government of the Irish Free State of such vessels as are necessary for the protection of the Revenue or the Fisheries.

The foregoing provisions of this article shall be reviewed at a conference of Representatives of the British and Irish Governments to be held at the expiration of five years from the date hereof with a view to the undertaking by Ireland of a share in her own coastal defence.

7. The Government of the Irish Free State shall afford to His Majesty's Imperial Forces:—

(*a*) In time of peace such harbour and other facilities as are indicated in the Annex hereto, or such other facilities as may from time to time be agreed between the British Government and the Government of the Irish Free State; and

(*b*) In time of war or of strained relations with a Foreign Power such harbour and other facilities as the British Government may require for the purposes of such defence as aforesaid.

8. With a view to securing the observance of the principle of international limitation of armaments, if the Government of the Irish Free State establishes and maintains a military defence force, the establishments thereof shall not exceed in size such proportion of the military establishments maintained in Great Britain as that which the population of Ireland bears to the population of Great Britain.

9. The ports of Great Britain and the Irish Free State shall be freely open to the ships of the other country on payment of the customary port and other dues.

10. The Government of the Irish Free State agrees to pay fair compensation on terms not less favourable than those accorded by the Act of 1920 to judges, officials, members of police forces, and other public servants who are discharged by it or who retire in consequence of the change of government effected in pursuance hereof.

Provided that this agreement shall not apply to members of the Auxiliary Police Force or to persons recruited in Great Britain for the Royal Irish Constabulary during the two years next preceding the date hereof. The British Government will assume responsibility for such compensation or pensions as may be payable to any of these excepted persons.

11. Until the expiration of one month from the passing of the Act of Parliament for the ratification of this instrument, the powers of the Parliament and the Government of the Irish Free State shall not be exercisable as respects Northern Ireland, and the provisions of the Government of Ireland Act, 1920, shall, so far as they relate to Northern Ireland, remain of full force and effect, and no election shall be held for the return of members to serve in the Parliament of the Irish Free State for constituencies in Northern Ireland, unless a resolution is passed by both Houses of the Parliament of Northern Ireland in favour of the holding of such elections before the end of the said month.

12. If before the expiration of the said month, an address is presented to His Majesty by both Houses of the Parliament of Northern Ireland to that effect, the powers of the Parliament and Government of the Irish Free State shall no longer extend to Northern Ireland, and the provisions of the Government of Ireland Act, 1920 (including those relating to the Council of Ireland), shall so far as they relate to Northern Ireland, continue to be of full force and effect, and this instrument shall have effect subject to the necessary modifications.

Provided that if such an address is so presented a Commission consisting of three persons, one to be appointed by the Government of the Irish Free State, one to be appointed by the Government of Northern Ireland and one who shall be Chairman to be appointed by the British Government shall determine in accordance with the wishes of the inhabitants, so far as may be compatible with economic and geographic conditions the boundaries between Northern Ireland and the rest of Ireland, and for the purposes of the Government of Ireland Act, 1920, and of this instrument, the boundary of Northern Ireland shall be such as may be determined by such Commission.

13. For the purpose of the last foregoing Article, the powers of the Parliament of Southern Ireland under the Government of Ireland Act, 1920, to elect members of the Council of Ireland shall after the Parliament of the Irish Free State is constituted be exercised by that Parliament.

14. After the expiration of the said month, if no such address as is mentioned in Article 12 hereof is presented, the Parliament and Government of Northern Ireland shall continue to exercise as respects Northern Ireland the powers conferred on them by the Government of Ireland Act, 1920, but the Parliament and Government of the Irish Free State shall in Northern Ireland have in relation to matters in respect of which the Parliament of Northern Ireland has not power to make laws under that Act (including matters which under the said Act are within the jurisdiction of the Council of Ireland) the same powers as in the rest of Ireland subject to such other provisions as may be agreed in manne rhereinafter appearing.

15. At any time after the date hereof the Government of Northern Ireland and the provisional Government of Southern Ireland hereinafter constituted may meet for the purpose of discussing the provisions subject to which the last foregoing Article is to operate in the event of no such address as is therein mentioned being presented, and those provisions may include:—

(*a*) Safeguards with regard to patronage in Northern Ireland.

(*b*) Safeguards with regard to the collection of revenue in Northern Ireland.

(*c*) Safeguards with regard to import and export duties affecting the trade or industry of Northern Ireland.

(*d*) Safeguards for minorities in Northern Ireland.

(*e*) The settlement of the financial relations between Northern Ireland and the Irish Free State.

(*f*) The establishment and powers of a local militia in Northern Ireland and the relation of the Defence Forces of the Irish Free State and of Northern Ireland respectively.

and if at any such meeting provisions are agreed to, the same shall have effect as if they were included amongst the provisions subject to which the powers of the Parliament and Government of the Irish Free State are to be exercisable in Northern Ireland under Article 14 hereof.

16. Neither the Parliament of the Irish Free State nor the Parliament of Northern Ireland shall make any law so as either directly or indirectly to endow any religion or prohibit or restrict the free exercise thereof or give any preference or impose any disability on account of religious belief or religious status or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at the school or make any discrimination as respects State aid between schools under the management of different religious denominations or divert from any religious denomination or any educational institution any of its property except for public utility purposes and on payment of compensation.

17. By way of provisional arrangement for the administration of Southern Ireland during the interval which must elapse between the date hereof and the constitution of a Parliament and Government of the Irish Free State in accordance therewith, steps shall be taken forthwith for summoning a meeting of members of Parliament elected for constituencies in Southern Ireland since the passing of the Government of Ireland Act, 1920, and for constituting a provisional Government, and the British Government shall take the steps necessary to transfer to such

provisional Government the powers and machinery requisite for the discharge of its duties, provided that every member of such provisional Government shall have signified in writing his or her acceptance of this instrument. But this arrangement shall not continue in force beyond the expiration of twelve months from the date hereof.

18. This instrument shall be submitted forthwith by His Majesty's Government for the approval of Parliament and by the Irish signatories to a meeting summoned for the purpose of the members elected to sit in the House of Commons of Southern Ireland, and if approved shall be ratified by the necessary legislation.

(Signed)

On behalf of the British Delegation,

D. LLOYD GEORGE.
AUSTEN CHAMBERLAIN.
BIRKENHEAD.
WINSTON S. CHURCHILL.
L. WORTHINGTON-EVANS.
HAMAR GREENWOOD.
GORDON HEWART.

On behalf of the Irish Delegation,

ART Ó GRIOBHTHA.
(ARTHUR GRIFFITH).
MICHÁL Ó COILEAIN.
RIOBÁRD BARTUN.
E. S. Ó DUGAIN.
SEORSA GHABHÁIN ÚI DHUBHTHAIGH.

6th December 1921.

ANNEX.

1. The following are the specific facilities required.

DOCKYARD PORT AT BEREHAVEN.

(*a*) Admiralty property and rights to be retained as at the date hereof. Harbour defences to remain in charge of British care and maintenance parties.

QUEENSTOWN.

(*b*) Harbour defences to remain in charge of British care and maintenance parties. Certain mooring buoys to be retained for use of His Majesty's ships.

BELFAST LOUGH.

(*c*) Harbour defences to remain in charge of British care and maintenance parties.

LOUGH SWILLY.

(*d*) Harbour defences to remain in charge of British care and maintenance parties.

AVIATION.

(*e*) Facilities in the neighbourhood of the above ports for coastal defence by air.

OIL FUEL STORAGE.

(*f*) Haulbowline Rathmullen	-	To be offered for sale to commercial companies under guarantee that purchasers shall maintain a certain minimum stock for Admiralty purposes.

2. A convention shall be made between the British Government and the Government of the Irish Free State to give effect to the following conditions:—

(*a*) That submarine cables shall not be landed or wireless stations for communication with places outside Ireland be established except by agreement with the British Government; that the existing cable landing rights and wireless concessions shall not be withdrawn except by agreement with the British Government; and that the British Government shall be entitled to land additional submarine cables or establish additional wireless stations for communication with places outside Ireland:

(*b*) That lighthouses, buoys, beacons, and any navigational marks or navigational aids shall be maintained by the Government of the Irish Free State as at the date hereof and shall not be removed or added to except by agreement with the British Government:

(c) The war signal stations shall be closed down and left in charge of care and maintenance parties, the Government of the Irish Free State being offered the option of taking them over and working them for commercial purposes subject to Admiralty inspection and guaranteeing the upkeep of existing telegraphic communication therewith.

3. A Convention shall be made between the same Governments for the regulation of Civil Communication by Air.

D. L. G.
A. C.
B.
W. S. C.

M. Ó. C.

CHAPTER 5.

An Act to increase the charges made by Pawnbrokers. [12th April 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Allowance of charge to pawnbrokers on loans not exceeding 40*s*.

35 & 36 Vict. c. 93.

1. Notwithstanding anything contained in the Pawnbrokers Act, 1872, a pawnbroker shall, in addition to the profit and charge authorised by that Act to be taken by a pawnbroker, be entitled in respect of any loan on a pledge made after the passing of this Act for any sum not exceeding forty shillings to charge the pledger upon receipt of the pledge the sum of one halfpenny for each five shillings or part of five shillings lent by the pawnbroker.

Pawnticket to state amount of charge.

2. The pawnticket shall state the amount of the sum authorised by this Act to be charged in respect of the pledge as well as the profit and charge authorised by the Pawnbrokers Act, 1872.

Restriction on extent.

3. This Act shall not extend to Ireland.

Short title.

4. This Act may be cited as the Pawnbrokers Act, 1922, and the Pawnbrokers Act, 1872, and this Act may be cited together as the Pawnbrokers Acts, 1872 and 1922.

CHAPTER 6.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and Air Force. [12th April 1922.]

WHEREAS the raising or keeping of a standing army within the United Kingdom in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of two hundred and fifteen thousand, including those to be employed at the depôts in the United Kingdom for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions:

And whereas under the Air Force (Constitution) Act, 1917, His Majesty is entitled to raise and maintain the air force, and it is judged necessary that the whole number of such force should consist of thirty-one thousand one hundred and seventy-six, including those employed as aforesaid, but exclusive of the numbers serving as aforesaid, and the provisions of the Air Force Act are due to expire at the same dates as the provisions of the Army Act: 7 & 8 Geo. 5. c. 51.

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet, nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law or to the Air Force Act, in their duty, that an exact discipline be observed and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military or air force discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act and the Air Force Act will expire in the year one thousand nine hundred and twenty-two on the following days:—

(*a*) in the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and

(*b*) elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Army and Air Force (Annual) Act, 1922.

Army Act and Air Force Act to be in force for specified times.

2.—(1) The Army Act and the Air Force Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament (that is to say):—

(*a*) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April, one thousand nine hundred and twenty-two, to the thirtieth day of April, one thousand nine hundred and twenty-three, both inclusive; and

(*b*) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July, one thousand nine hundred and twenty-two, to the thirty-first day of July, one thousand nine hundred and twenty-three, both inclusive.

(2) The Army Act and the Air Force Act, while in force, shall apply to persons subject to military law or to the Air Force Act, as the case may be, whether within or without His Majesty's dominions.

(3) A person subject to military law or to the Air Force Act shall not be exempted from the provisions of the Army Act or Air Force Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the numbers hereinbefore mentioned.

Prices in respect of billeting.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act or the Air Force Act the prices specified in the Schedule to this Act.

AMENDMENTS OF ARMY AND AIR FORCE ACTS.

PART I.—AMENDMENTS OF ARMY ACT.

Amendment of s. 44.

4. In section forty-four of the Army Act (which relates to the scale of punishment by courts martial):—

(1) At the end of paragraph (*f*) there shall be inserted the following words—

"or, in the case of an officer whose promotion depends upon length of service, forfeiture of all or any part of his service for the purposes of promotion."

(2) The following proviso shall be inserted after proviso (2):—

"(2A) The Army Council may restore the whole or any part of any lost seniority or forfeited service in the case of an officer who may perform good or faithful service, or who may otherwise be deemed by the Army Council to merit such restoration."

Amendment of s. 46A.

5. In subsection (2) of section forty-six A of the Army Act (which relates to the power to deal summarily with charges against officers, and shall hereafter be numbered 47) for paragraph (*a*) the following shall be substituted :—

"(*a*) Forfeiture of seniority of rank either in the army or in the corps to which the offender belongs, or in both, or, in the case of an officer whose promotion depends upon length of service, forfeiture of all or any part of his service for the purposes of promotion."

Amendment of s. 76.

6. The following paragraph shall be inserted at the end of section seventy-six of the Army Act (which relates to the limit of an enlistment) :—

"Provided that the Army Council in special cases may by order direct that where any boy is enlisted in a particular corps before attaining the age of eighteen, the period of twelve years shall be reckoned from the day on which he attains the age of eighteen years."

PART II.—AMENDMENT OF AIR FORCE ACT.

Amendment of s. 76.

7. The following paragraph shall be inserted at the end of section seventy-six of the Air Force Act (which relates to the limit of an enlistment) :—

"Provided that, where any boy is enlisted in the regular air force before attaining the age of eighteen, the period of twelve years shall be reckoned from the day on which he attains the age of eighteen years."

PART III.—AMENDMENTS OF ARMY ACT APPLICABLE ALSO TO THE AIR FORCE ACT.

Amendment of s. 87.

8. Subsection (2) of section eighty-seven of the Army Act (which relates to the prolongation of service in certain cases) shall be amended as follows :—

After the words "foreign power" there shall be inserted the words "or while such soldier is on service beyond the seas."

At the end of the subsection the words "unless at "that time a proclamation calling out the army "reserve or any part thereof is in force" shall be added.

9. In subsection (8) of section one hundred and ninety of the Army Act (which provides for the definition of the expressions "regular forces" and "His Majesty's regular forces"), for the words "in any part of the world" there shall be substituted the words "in every part of the world, or in any specified part of the world." Amendment of s. 190.

10. References in this Part of this Act to the Army Act shall be deemed to include references to the Air Force Act, and those provisions shall, in their application to the air force, have effect subject to any of the general modifications set out in Part I. of the Second Schedule to the Air Force (Constitution) Act, 1917, which apply. Application to Air Force.

SCHEDULE.

Section 3.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where meals furnished.	Tenpence per night for the first soldier and eightpence per night for each additional soldier.
Breakfast as specified in Part I. of the Second Schedule to the Army and Air Force Acts.	Sevenpence each.
Dinner as so specified - - - - -	Eightpence.
Supper as so specified - - - - -	Threepence.
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Tenpence per night for the first soldier and eightpence per night for each additional soldier.
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and ninepence per day.
Stable room without forage - - - -	Sixpence per day.
Lodging and attendance for officer - -	Three shillings per night.

Note.—An officer shall pay for his food.

CHAPTER 7.

An Act to amalgamate the rates of contribution and the rates of benefit under the Unemployment Insurance Acts, 1920 and 1921, and the Unemployed Workers' Dependants (Temporary Provision) Act, 1921, otherwise to amend the Unemployment Insurance Acts, 1920 and 1921, and to repeal the Unemployed Workers' Dependants (Temporary Provision) Act, 1921, and for purposes connected therewith.

[12th April 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amalgamation with unemployment benefit of grants payable under 11 & 12 Geo. 5. c. 62. in respect of certain dependants.

1.—(1) Where a person entitled to benefit is a married man, whose wife is living with him or is being maintained wholly or mainly by him, or being a widower or an unmarried man has residing with him any female person for the purpose of having the care of his dependent children and is maintaining that person, or has and has had living with him as his wife any female person, or where the person entitled to benefit is a married woman who has a husband dependent on her, the weekly rate of benefit authorised by the Unemployment Insurance Acts, 1920 and 1921, shall be increased by a sum of five shillings, and, where the person so entitled has dependent children, the weekly rate of benefit shall be increased by one shilling in respect of each such child:

Provided that the additional sum of five shillings shall not be payable in respect of a wife or female person who is in receipt of benefit (including benefit under any special scheme), or who is in regular wage-earning employment otherwise than as having the care of the dependent children of the person entitled to benefit, or is engaged in any occupation ordinarily carried on for profit.

(2) If any question arises as to whether any addition ought to be made to the weekly rate of benefit in respect

of any wife or other female person, or any husband or any child, that question shall be decided by the Minister.

(3) Paragraph 6 of the Second Schedule to the principal Act (which limits the power of the Minister to prescribe rates and periods of benefit) shall have effect as though for the words from "the rate of benefit" to "for women" (where the last-mentioned words secondly occur), both inclusive, there were substituted the words "or reduce any of the rates of benefit for the time being "in force by more than two shillings per week".

(4) This section shall continue in operation so long as the rates of contribution fixed by this Act remain in force.

Rates of contribution.

2. The contributions payable under the Unemployment Insurance Acts, 1920 and 1921, in respect of employed persons by those persons and their employers shall, until the end of the deficiency period as defined in section sixteen of the Unemployment Insurance (No. 2) Act, 1921, be at the rates set out in Part I. of the First Schedule to this Act, and the contribution to be made out of moneys provided by Parliament shall until the end of the said period be a contribution of such an amount as may be determined by the Treasury to be approximately equivalent, having regard to the estimated proportions in which contributions are payable in respect of men, women, boys and girls, to the sum which would be produced by weekly contributions paid in respect of insured and exempt persons at the rates specified in Part II. of the said Schedule.

Termination of second special period under 11 & 12 Geo. 5. c. 1, and new special periods.

3.—(1) The provisions of Act No. 1 of 1921 and Act No. 2 of 1921 shall have effect as though the second special period defined in section nine of Act No. 1 of 1921 (in this Act referred to as "the second special period") were expressed to terminate on the fifth day of April, nineteen hundred and twenty-two, instead of on the second day of July, nineteen hundred and twenty-two.

(2) For the purposes hereinafter in this Act mentioned there shall be two further special periods, that is to say, the period from the sixth day of April, nineteen hundred and twenty-two, to the first day of November, nineteen hundred and twenty-two (hereinafter referred to as "the third special period"), and the period from

the second day of November, nineteen hundred and twenty-two, to the first day of July, nineteen hundred and twenty-three (hereinafter in this Act referred to as "the fourth special period"), the days above-mentioned being in all cases inclusive.

(3) Paragraph 2 of the Second Schedule to the principal Act (which as amended by section four of Act No. 1 of 1921, provides that after the second day of July, nineteen hundred and twenty-two, no person shall within any insurance year receive unemployment benefit for a period of more than twenty-six weeks, or such other period as may be prescribed) shall not operate during the third and fourth special periods.

Provisions with respect to benefit in third and fourth special periods.

4.—(1) If it appears to the Minister that, having regard to all the circumstances of the case, it is expedient in the public interest that a person, notwithstanding that by reason that he does not satisfy the first statutory condition, or that he is disqualified under subsection (4) of section eight of the principal Act for receiving benefit, or (except as hereinafter otherwise expressly provided) by reason of the provisions of paragraph 3 of the Second Schedule to the principal Act, he may not be entitled to receive benefit, should be allowed to receive benefit in the third or the fourth special period, as the case may be, the Minister may, subject to the provisions of this section, authorise that person to receive benefit—

(*a*) during the third special period for periods not exceeding in the aggregate fifteen weeks;

(*b*) during the fourth special period for periods not exceeding in the aggregate twelve weeks and, subject to the provisions of paragraph 3 of the Second Schedule to the principal Act (which provides that a person shall not receive more benefit than in the proportion of one week's benefit for every six contributions paid), for two further periods, neither of which shall exceed in the aggregate five weeks.

(2) When and so often as a person has received benefit under this section in the third special period for periods amounting in the aggregate to five weeks, he shall cease to be qualified for the receipt of benefit in the third special period until the expiration of five weeks from the

end of the last period in respect of which benefit was payable, and if at any time before the seventeenth day of April, nineteen hundred and twenty-two, the amount of benefit received by any person since the commencement of the second special period amounts in the aggregate to twenty-two weeks, he shall not be qualified for receiving any further benefit until the said seventeenth day of April.

(3) The Minister shall not authorise any person to receive benefit under this section unless that person proves—

(*a*) That he is normally employed in such employment as would make him an employed person within the meaning of the principal Act :

(*b*) That he is genuinely seeking, but unable to obtain whole-time employment :

(*c*) Either that not less than twenty contributions have been paid in respect of him under the principal Act, or that, having regard to the opportunities of employment in his normal employment, he has, since the thirty-first day of December, nineteen hundred and nineteen, been employed for a reasonable length of time in some occupation employment in which would, if the principal Act had been in force during the whole period of his employment, have made him an employed person within the meaning of that Act, or, in the case of a person formerly engaged in war service, that he had been so employed before becoming so engaged, or had no opportunity owing to his youth of being so employed.

For the purposes of paragraph (*c*) aforesaid, the Minister may, in the case of any person formerly engaged in war service who has at the cost of funds administered by the Minister, or by the Minister of Pensions, undergone training for an occupation employment in which would have made him an employed person, treat that training as if it were employment which would, if the principal Act had been in force during the period of training, have made that person an employed person within the meaning of that Act.

(4) For the purpose of qualifying a person to receive, within either the third or the fourth special period, benefit up to the aggregate amount which may be authorised by the Minister under this Act, but for no other purpose, there shall be treated as having been paid in respect of him such number of contributions as are sufficient so to qualify him.

(5) Notwithstanding anything in the Unemployment Insurance Acts, 1920 and 1921, or in this Act, no person shall be entitled to receive benefit in the third special period for periods amounting in the aggregate to more than fifteen weeks, or in the fourth special period for periods amounting in the aggregate (except as hereinbefore otherwise expressly provided) to more than eighteen weeks.

(6) No person who holds, or who has at any time held, a certificate of exemption under section three of the principal Act shall be entitled to benefit under this section.

(7) If any question arises as to whether any person satisfies the requirements of this section, the question shall be decided by the Minister.

Provision for temporary payment of benefit.

5. In the case of a person who has satisfied the requirements for the receipt of benefit under the provisions of Act No. 1 of 1921, or under that Act as amended by Act No. 2 of 1921, the Minister may, during such period as may be necessary for the examination of his qualifications for the receipt of benefit under this Act, but not exceeding six weeks next after the passing of this Act, authorise payment of benefit to him under this Act as if he were a person who complied with the requirements thereof.

Calculation of contributions.

6.—(1) For the purpose of determining the amount of benefit to which, having regard to the proportion of benefit to contributions fixed by paragraph 3 of the Second Schedule to the principal Act, any person is entitled—

(*a*) no account shall be taken during the fourth special period of any benefit which may have been received by that person between the seventh day of November, nineteen hundred and twenty, and the commencement of the

fourth special period or, where the benefit to be granted is benefit for either of the two further periods of five weeks hereinbefore mentioned, of any benefit received up to the aggregate of twelve weeks within the fourth special period, and during the fourth special period, each of the total number of contributions actually paid in respect of him, after deducting from that total five contributions in respect of each week of benefit received by him before the eighth day of November, nineteen hundred and twenty, shall be treated as equivalent to two contributions; and

(*b*) after the termination of the fourth special period no account shall be taken of any benefit which may have been received by that person between the seventh day of November, nineteen hundred and twenty, and the termination of the fourth special period.

(2) Where for the purpose of qualifying a person to receive benefit either under Act No. 1 of 1921, Act No. 2 of 1921, or this Act, any contributions have from time to time been treated as having been paid in respect of him, no regard shall, for the purpose of determining the amount of benefit to which, having regard to the proportion aforesaid, he is entitled, be taken of any contributions actually paid in respect of him at any time except in so far as the contributions so actually paid exceed for the time being the number of contributions which would have been required to entitle him to the amount of benefit received by him if no contributions had been treated as paid.

Amendment as to Treasury advances.

7. Section five of Act No. 1 of 1921 (which authorises the Treasury to make advances for the purpose of discharging the liabilities of the unemployment fund under the principal Act as amended by that Act) shall have effect as though the reference in that section to that Act included a reference to this Act, and during the deficiency period the limit on the amount of the advances under that section which may be outstanding at any time shall, for the purposes of the application of that section to Great Britain, be raised to thirty million pounds.

Amendment of s. 12 (3) of principal Act.

8. The proviso to subsection (3) of section twelve of the principal Act (which provides that such sum as the Treasury may direct, not exceeding one-tenth of the receipts of the unemployment fund, shall be applied as an appropriation in aid of the moneys provided by Parliament for the purpose of the salaries, remuneration, and expenses therein mentioned) shall have effect as though "one-eighth" was substituted for "one-tenth."

Amendment of s. 12 of 11 & 12 Geo. 5. c. 15.

9. The following subsection shall be added to section twelve of Act No. 2 of 1921 :—

(2) Where the rules of a society or other association authorise payments in respect of unemployment to be made at different rates or for different periods in the case of different classes of its members, the Minister may, if he is satisfied that the total provision for unemployment made by the rules is on the whole equivalent to the provision necessary to satisfy the requirements of the said proviso, make or continue, notwithstanding anything in the said proviso, an arrangement with that society or association under the said section seventeen:

Provided that nothing in this section shall authorise an arrangement to be made or continued in respect of any class of members of a society or association in the case of which the payments authorised by the rules of the society or association do not exceed the provision represented by unemployment benefit at the rate payable under the principal Act as amended by any subsequent enactment.

Amendments as to excepted employments.

10.—(1) Part II. of the First Schedule to the principal Act shall have effect as though there were inserted therein after paragraph (*b*) the following new paragraph :—

(*bb*) Employment as a female professional nurse for the sick or as a female probationer undergoing training for employment as such a nurse.

(2) Where, as the result of the formation of any company or of the amalgamation of any companies, or of any other like process, any person, company or body of persons is succeeded by a company or body as employer in any business or undertaking, the Minister may, in

determining for the purposes of the provisions of paragraph (*d*) of Part II. of the First Schedule to the principal Act what is the normal practice of the employer or whether a person has completed three years' service in the employment, treat the normal practice of the old employer as being the normal practice of the new employer and treat any service under the old employer as being service under the new employer.

(3) Any certificate with respect to employment in the service of a railway company or joint committee of two or more such companies given by the Minister under paragraph (*d*) of Part II. of the First Schedule to the principal Act, as amended by Act No. 1 of 1921, at any time before the first day of July, nineteen hundred and twenty-two, shall, if the conditions on which it was given so long remain unchanged continue in force for a period of five years from the first day of July, nineteen hundred and twenty-two, notwithstanding anything therein to the contrary.

(4) Subsection (1) of this section shall come into operation on the first day of July, nineteen hundred and twenty-two.

Wife or husband of offender to be competent witness in legal proceedings.

11. The wife or husband of a person charged with an offence under the principal Act as amended by any subsequent enactment may be called as a witness either for the prosecution or defence and without the consent of the person charged.

Amendment of s. 9 (4) of 11 Geo. 5. c. 1.

12. Subsection (4) of section nine of Act No. 1 of 1921 (which contains a saving with respect to the provision for unemployment benefit which may be required to be made by an association for the purposes of section seventeen of the principal Act) shall have effect as though the second day of July, nineteen hundred and twenty-three, were therein substituted for the third day of November, nineteen hundred and twenty-one, and as though the words "under the principal Act as originally enacted" were substituted for the words "if this Act had not passed" where those words secondly occur.

Provision as to Unemployed Workers' Dependants Fund.

13.—(1) Any balance remaining in the unemployed workers' dependants fund on the date upon which this Act comes into force shall be apportioned equitably in accordance with directions to be given by the Minister between the unemployment fund and the several funds

out of which benefits under any special schemes are payable.

(2) For the purposes of subsection (1) of section five of the Unemployed Workers' Dependants (Temporary Provision) Act, 1921, which authorises an amount equal to the expenses incurred by the Minister in carrying that Act into effect to be paid out of that fund, and applied as an appropriation in aid, the expenses so incurred by the Minister shall be treated as having amounted to ten per centum of the receipts of the fund.

(3) Subject as hereinbefore in this section provided, the unemployed workers' dependants fund constituted under the Unemployed Workers' Dependants (Temporary Provision) Act, 1921, shall be deemed to have been as from the date on which it came into existence part of the unemployment fund, and all contributions and sums which under that Act are payable into the unemployed workers' dependants fund and which are outstanding at the commencement of this Act shall be paid into the unemployment fund.

11 & 12 Geo. 5. c. 62.

The Minister may give directions with respect to the adjustment of accounts between the unemployment fund and the unemployed workers' dependants fund.

Amendment as to outdoor relief.

14.—(1) In any case in which an authority has granted outdoor relief to a person not in receipt of benefit, in excess of the amount which would have been granted if that person had been in receipt of benefit, the Minister may, if a claim by that person for benefit in respect of any part of the period during which relief has been so granted is subsequently allowed, treat the benefit allowed in respect of that person as reduced for the purposes of this section by an amount not exceeding such an amount as the authority certify to have been so paid in excess in respect of the period for which the benefit was allowed, and the Minister may pay to that authority the amount by which the benefit is treated as having been reduced as aforesaid, so, however, that the total charge on the unemployment fund shall not be greater than the amount of the benefit allowed.

(2) Section twenty-seven of the principal Act (which relates to out-door relief) shall cease to have effect, and in determining whether outdoor relief shall or shall not be granted to a person in receipt of or entitled to receive benefit (including benefit under a special scheme), the

authority having power to grant the relief shall take into account the amount of the benefit.

Power to adapt special schemes to the provisions of this Act.

15. For the purpose of securing in the case of a special scheme, that the like additions shall be made to the weekly rate of benefit payable to persons to whom the scheme applies as are under this Act to be made to the weekly rate of benefit payable to persons subject to the general provisions of the Unemployment Insurance Acts, 1920 and 1921, as amended by this Act and that the benefits under the scheme shall otherwise be not less favourable than those provided by the said general provisions (but for no other purposes), the Minister may, after consultation with the body charged with the administration of the scheme, notwithstanding anything in section eighteen of the principal Act, by order vary or amend the provisions of the scheme and any such order may provide for consequential amendments as to rates of contributions and otherwise.

Construction, saving, short title, commencement, and duration.

16.—(1) In this Act, unless the context otherwise requires,—

The expression "person formerly engaged in war service" means any person belonging to the classes of persons to whom the scheme in force at the commencement of Act No. 1 of 1921 for paying donation in respect of unemployment to discharged sailors, soldiers, and other persons applied, or would have applied if it had continued in force:

The expression "a dependent child" means any child under the age of fourteen years who is maintained wholly or mainly at the cost of the person entitled to benefit, or any child between the ages of fourteen and sixteen who is under full-time instruction in a day school and is so maintained as aforesaid:

The expression "child" includes a stepchild, an adopted child, and an illegitimate child:

The expression "local employment committee" means any local committee to which questions may be referred under subsection (5) of section thirteen of the principal Act:

The expression "the Minister" means the Minister of Labour:

The expression "benefit" means unemployment benefit under the Unemployment Insurance Acts, 1920 and 1921:

The expression "the principal Act" means the Unemployment Insurance Act, 1920, the expression "Act No. 1 of 1921" means the Unemployment Insurance Act, 1921, and the expression "Act No. 2 of 1921" means the Unemployment Insurance (No. 2) Act, 1921.

For the purposes of this Act, a husband shall be deemed to be dependent on his wife if he is prevented by physical or mental infirmity from supporting himself and is being maintained wholly or mainly by her.

(2) If any question arises as to whether any person is a person who was formerly engaged in war service within the meaning of this Act, that question shall be decided by the Minister.

(3) The decision of the Minister upon any question which, under this Act is to be decided by him, shall be final and conclusive and not subject to appeal to any court.

The Minister may, if he sees fit, refer any such question to a local employment committee for their report and recommendation.

(4) Save as in this Act otherwise expressly provided, nothing therein contained (other than such parts thereof as provide for terminating the second special period and for repealing enactments) shall operate so as to deprive any person of, or to prevent any person from receiving, any benefit which he would have been entitled to receive if this Act had not been passed.

(5) Provision may be made by Order in Council under the Irish Free State (Agreement) Act, 1922, for applying this Act, with or without modifications, to Ireland, exclusive of Northern Ireland, but, except in so far as it is so applied, this Act shall not apply to Ireland.

12 Geo. 5. c. 4.

(6) The enactments set out in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

(7) This Act may be cited as the Unemployment Insurance Act, 1922, and shall be construed as one with

the Unemployment Insurance Acts, 1920 and 1921, and those Acts and this Act may be cited together as the Unemployment Insurance Acts, 1920 to 1922.

(8) This Act shall, except as therein otherwise expressly provided, be deemed to have come into operation on the sixth day of April, nineteen hundred and twenty-two.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

PART I.

RATES OF CONTRIBUTIONS BY EMPLOYED PERSONS AND EMPLOYERS.

Ordinary Rates.

From the employed person for each week :—

In the case of men	9*d.*
In the case of women	7*d.*

From the employer for each week :—

In the case of an employed person being a man	10*d.*
In the case of an employed person being a woman	8*d.*

Rates in the case of persons under eighteen.

From the employed person for each week :—

In the case of boys	4½*d.*
In the case of girls	4*d.*

From the employer for each week :—

In the case of an employed person being a boy	5*d.*
In the case of an employed person being a girl	4½*d.*

PART II.

RATES OF CONTRIBUTION OUT OF MONEYS PROVIDED BY PARLIAMENT.

Ordinary Rates.

For every contribution paid in respect of a man	$6\frac{3}{4}d.$
For every contribution paid in respect of a woman	$5\frac{1}{4}d.$

Rates in the case of persons under eighteen.

For every contribution paid in respect of a boy	$3\frac{7}{8}d.$
For every contribution paid in respect of a girl	$3\frac{5}{8}d.$

Rates in the case of exempt persons.

For every contribution paid in respect of a man	$2d.$
For every contribution paid in respect of a woman	$1\frac{3}{4}d.$
For every contribution paid in respect of a boy	$1d.$
For every contribution paid in respect of a girl	$\frac{7}{8}d.$

Section 16.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
11 Geo. 5. c. 1	Unemployment Insurance Act, 1921.	Subsection (2) of section two.
11 & 12 Geo. 5. c. 62.	Unemployed Workers' Dependants (Temporary Provision) Act, 1921.	The whole Act.

CHAPTER 8.

An Act to remove temporarily the limit on the moneys provided by Parliament for the purposes of the Diseases of Animals Acts.

[12th April 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Provision of funds for purposes of the Diseases of Animals Acts. 57 & 58 Vict. c. 57.

1. The limitation of one hundred and forty thousand pounds imposed by section eighteen of the Diseases of Animals Act, 1894, on the moneys which may be provided by Parliament towards defraying the costs in such section mentioned and be paid to the cattle pleuro-pneumonia account for Great Britain shall not apply to moneys so provided in the financial year ending on the thirty-first day of March, nineteen hundred and twenty-two.

Short title.

2. This Act may be cited as the Diseases of Animals Act, 1922.

CHAPTER 9.

An Act to empower the Secretary of State in Council of India to raise money in the United Kingdom for the service of the Government of India and for other purposes relating thereto.

[12th April 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the East India Loans (Railways and Irrigation) Act, 1922.

Definition.

2. In this Act the expression "Secretary of State" means the Secretary of State in Council of India, unless the context otherwise requires.

Power to raise fifty million pounds for constructing, extending, and equipping railways in India, and irrigation works, and for other purposes.

3. It shall be lawful for the Secretary of State at any time or times to raise in the United Kingdom, as and when necessary, by the creation and issue of capital stock, bonds, debentures, or bills, or partly by one of such modes and partly by another or others, any sum or sums of money not exceeding in the whole fifty million pounds sterling, to be applied to—

(1) The construction, extension, equipment and improvement of railways in India by State agency, or through the agency of a company or companies under engagement with the Secretary of State;

(2) The repayment of the principal of any bonds, debentures, or debenture stock issued by any such company under the guarantee of the Secretary of State;

(3) The discharge of any obligations incurred or arising by reason of the purchase by the Secretary of State of any railway constructed or worked in India by any such company, or on the determination of the contract of any such company with the Secretary of State;

(4) The construction, extension, equipment, and improvement of irrigation works in India.

Issue of bonds.

4.—(1) All bonds to be issued by the Secretary of State under the authority of this or any previous Act of Parliament may be issued under the hands of two members of the Council of India, and countersigned by the Secretary of State for India, or one of his Under-Secretaries, or his deputy or assistant Under-Secretary, and shall be for such respective amounts, payable after such notice, and at such rate or rates of interest, as the said Secretary of State may think fit, and all signatures required by this section may be impressed or affixed by machinery or otherwise in such manner as the Secretary of State may from time to time direct.

(2) Bonds issued before the passing of this Act and bearing the prescribed signatures impressed or affixed by

machinery, or otherwise, shall be deemed to have been lawfully issued.

Power to redeem securities at a premium, &c.

5. The power given to the Secretary of State by this or any previous Act of Parliament to raise money by means of stock or other securities shall be deemed to include and to have always included the power to provide for redemption of stock or securities at a premium, and the power to arrange for giving an option (subject to such conditions and on such terms as he may determine and with or without payment of any further consideration) to holders of stock or securities to take new stock or securities in lieu thereof and to create stock or securities for the purpose, and any stock or securities surrendered for the purpose of exchange shall be cancelled.

Any stock or securities created for the purpose of an exchange under this section shall not be taken into account in calculating the nominal amount of securities authorised to be issued under this or any previous Act.

Transfer books of capital stock.

6. In case of the creation and issue of capital stock there shall be kept, either at the office of the Secretary of State in London, or at the Bank of England, books wherein entries may be made of the said capital stock, and wherein assignments or transfers of the same, or any part thereof, may be entered and registered, and may be signed by the parties making such assignments or transfers, or, if such parties be absent, by his, her, or their attorney or attorneys thereunto lawfully authorised by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and in such case the person or persons to whom such transfer or transfers shall be made may respectively underwrite his, her, or their acceptance thereof; and no stamp duties whatsoever shall be charged on the said transfers or any of them.

Nothing in this section shall affect the provisions of section six of the Government of India (Amendment) Act, 1916, with respect to the transfer of India Stock by deed. 6 & 7 Geo. 5. c. 37.

Nominal amount of securities to be issued. 5 Edw. 7. c. 19. 8 Edw. 7. c. 54. 10 Edw. 7. and 1 Geo. 5. c. 5.

7. Subject to the provisions of this Act, the nominal amount of the stock, bonds, debentures or bills issued under this Act shall not exceed the sum of money authorised to be raised by this Act, and the like provision shall be deemed to have been included in the East India Loans (Railways) Act, 1905, the East India Loans Act, 1908, and the East India Loans (Railways and Irrigation) Act, 1910.

Application of enactments. 56 & 57 Vict. c. 70.

8. Sections five to eleven inclusive, sections fourteen to sixteen inclusive, and section nineteen of the East India Loan Act, 1893, and section five of the East India Loans Act, 1908, shall be incorporated with this Act:

Provided that—

(*a*) the said sections seven and eleven as so incorporated shall have effect as though the words "at par" were omitted; and

(*b*) for the purposes of the said section fourteen as so incorporated the purchase of securities in the market and their subsequent cancellation shall be deemed to be repayment of principal monies equal to the nominal amount of the securities purchased.

Saving.

9. This Act shall not prejudice or affect any power of raising or borrowing money, or of creating or issuing securities, vested in the Secretary of State at the time of the passing thereof.

Provision as to Members of the House of Commons. 22 Geo. 3. c. 45. 41 Geo. 3. c. 52.

10. None of the provisions of the House of Commons (Disqualifications) Act, 1782, or the House of Commons (Disqualifications) Act, 1801, shall be construed so as to extend, or as having extended, to any subscription or contribution to any loan raised under this Act or under any previous Act relating to East India Loans.

CHAPTER 10.

An Act to make provision with respect to the validity of Decrees granted in the Kenya Colony and Protectorate for the dissolution of the marriage of persons domiciled in the United Kingdom. [12th April 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Validity of decrees. East Africa Protectorate, No. 12 of 1904.

1. Any decree granted or made absolute by a court of competent jurisdiction in the Kenya Colony and Protectorate, under the provisions of the ordinance of that Colony and Protectorate known as the Divorce Ordinance, 1904, for the dissolution of a marriage the

parties to which were at the time of the commencement of the proceedings domiciled in the United Kingdom, and any order made by any such court in relation to any such decree, shall, if the proceedings were commenced before the passing of this Act, be as valid and be deemed always to have been as valid in all respects as though the parties to the marriage had been domiciled in the said Colony and Protectorate.

2. This Act may be cited as the Kenya Divorces (Validity) Act, 1922. Short title.

CHAPTER 11.

An Act to amend the law with respect to the preparation of Jurors Books, and otherwise to amend the law relating to Jurors and Juries, in England and Wales. [31st May 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) After the commencement of this Act, lists of the persons qualified and liable to serve as jurors shall cease to be prepared in accordance with the provisions of the Juries Act, 1825, as amended by any subsequent enactment, and the jurors books shall be prepared in accordance with the following provisions of this section. Alteration of method of preparing jurors book. 6 Geo. 4. c. 50.

(2) Subject to the provisions of this section, it shall be the duty of every registration officer within the meaning of the Representation of the People Act, 1918, in making out in pursuance of that Act the electors lists for the autumn register for any year, to mark in the prescribed manner the names of such of the persons included in the lists as are qualified and liable to serve as jurors and the names of such of the persons so qualified and liable as are qualified to serve as special jurors. 7 & 8 Geo. 5. c. 64.

(3) For the purpose of enabling registration officers to perform their duties under this section, the overseers

of every parish shall, if so required by the registration officer of their area, furnish to him, in the prescribed manner, particulars with respect to the persons in their parish who are, on the last day of the qualifying period for registration in the autumn register, qualified and liable to serve as jurors or qualified to serve as special jurors.

For the purpose of their duties under this subsection, the overseers shall, on an application in that behalf made at any reasonable time to the collector or other officer having the custody of the duplicates of assessment to inhabited house duty for their parish, be entitled to inspect and take extracts from any of those duplicates, and any expenses properly incurred by them under this subsection shall be paid and allowed to them out of the poor rate of the parish.

If any overseer fails to comply with any of the requirements of this subsection, he shall be liable on summary conviction in respect of each offence to a fine not exceeding ten pounds.

(4) If any person who is marked as a juror or as a special juror in any of the electors lists for the autumn register claims that by reason of some disqualification or exemption he ought not to be so marked, he may, at any time within the period within which a claim to be registered as an elector may be made, apply in the prescribed manner to the registration officer to have the mark placed against his name removed.

The registration officer shall, as soon as may be, take every such application into consideration and shall in the prescribed manner notify to the applicant his decision thereon.

(5) If the registration officer refuses to comply with an application made under the last preceding subsection or fails to notify to the applicant within the prescribed time his decision thereon, the applicant may, within fourteen days next after the date on which the refusal of the registration officer is notified to him or the expiration of the prescribed time, as the case may be, apply to a court of summary jurisdiction for a declaration that he ought not to be marked as a juror or as a special juror, as the case may be.

Rules may be made by the Lord Chancellor for regulating the manner in which applications are to be made

under this subsection and for requiring the decision of the court on any such application to be notified to the sheriff of the county and to the registration officer and for authorising the sheriff to make the necessary correction in the jurors book.

(6) Where the claim of any person not to be marked as a juror or as a special juror in any electors lists has been allowed by the registration officer or a court of summary jurisdiction, the registration officer shall, if he proposes to mark that person as a juror or as a special juror in any subsequent electors lists, give to him notice of his intention so to do not less than fourteen days before the publication of the electors lists:

Provided that the foregoing provision shall not apply in relation to the registration officer of a registration area other than the area in which the claim was made, or in any case where the person whose claim was allowed has subsequently changed his place of residence.

(7) The clerk of the council of every county shall in every year, as soon as may be after the latest date for the publication of the autumn register, obtain copies of the registers for all such registration units as are comprised in whole or in part in the county, and shall, not later than the first day of December next following, cause to be made up from such parts of the registers as relate to any part of the county a book containing the names of all the persons who are marked in those parts as jurors, and that book shall be the jurors book for the county for the year beginning the first day of January next following.

(8) The clerk of the county council shall deliver the jurors book, as soon as may be after it has been prepared, to the sheriff of the county, and every sheriff on quitting office shall, within ten days next after the succeeding sheriff enters on his office, deliver to him the jurors book for the current year and all other like books prepared within the four years next preceding and then in his possession.

(9) Every registration officer shall, on demand, supply to the clerk of the county council, free of cost, such number of copies of the autumn register as the clerk may reasonably require for the purposes of this Act.

(10) Any expenses properly incurred by a registration officer in the performance of his duties under this

Act shall, subject as hereinafter provided, be deemed to be expenses incurred by him in the performance of his duties under the Representation of the People Act, 1918, in relation to registration:

Provided that every registration officer shall certify the amount by which the expenses incurred by him in connection with the preparation of the autumn register for the year in which this Act comes into operation have been increased by reason of the provisions of this Act, and for the purpose of computing the amount which under subsection (4) of section fifteen of the Representation of the People Act, 1918 (which provides for the payment out of moneys provided by Parliament of one half of the amount paid by the council of a county or borough in respect of registration expenses), is to be paid to any council out of moneys provided by Parliament, the amount of the registration expenses paid by that council shall be decreased by the amount so certified.

If any question arises as to the correctness of any certificate given under the foregoing provision by a registration officer, that question shall be referred to the Secretary of State, and the decision of the Secretary of State in the matter shall be final and conclusive.

(11) If any registration officer fails to comply with the requirements of this section or any Order in Council made under this Act, or wilfully marks as a juror, or as a special juror, in any electors list any person who ought not to be so marked, he shall be deemed to have failed to perform a duty in connection with registration within the meaning of the Representation of the People Act, 1918, and, if any clerk of a county council or sheriff fails to comply with the requirements of this section or any Order in Council made under this Act, he shall, in respect of each offence, be liable to the same penalty as if he had committed an offence under section forty-six of the Juries Act, 1825.

(12) The provisions of this Act shall, subject to the prescribed modifications, apply in the case of persons whose names are included in lists of claimants for registration as they apply in the case of persons whose names are included in electors lists.

Persons included in jurors book

2.—(1) Every person whose name is included in the jurors book as a juror or special juror shall be liable to

serve as such, notwithstanding that he may have been entitled by reason of some disqualification or exemption to claim that he ought not to be marked in the electors list as a juror or special juror :

liable to serve notwithstanding disqualification or right to exemption.

Provided that nothing in the foregoing provision shall affect the right of any person to be excused from attendance on a jury on the ground of illness or, if a woman, for medical reasons.

(2) The notice to be published by the registration officer under paragraph 6 of the First Schedule to the Representation of the People Act, 1918, (which prescribes the duties of the registration officer in the preparation of electors lists), shall, in the case of the autumn register, include a notice to the effect that the names of persons marked in the electors lists as jurors or special jurors will be included as such in the jurors book, but that any person who is aggrieved by being so marked may, for the purpose of having the mark placed against his name removed, apply to the registration officer and to a court of summary jurisdiction in the manner hereinbefore in this Act provided, and that every person whose name is included in the jurors book as a juror will be liable to serve as such, notwithstanding that he might have claimed disqualification or exemption.

Power of sheriff to excuse juror from attendance.

3. If any person who has been summoned by the sheriff to attend on a jury shows in writing to the satisfaction of the sheriff that there is good reason why he should be excused from attending on that jury, it shall be lawful for the sheriff notwithstanding anything in the Juries Act, 1825, or any other Act, to excuse that person from so attending :

Provided that—

(*a*) nothing in this section shall affect the power of a court or judge to excuse any person from attending on a jury ; and

(*b*) the sheriff shall produce to the court or judge all applications received by him from persons asking to be excused from attendance on any jury summoned for the trial of cases before that court or judge and any correspondence relating to any such applications, and shall, where he has complied with any such application, state to the court or judge his reasons for so doing.

Provisions as to juries in borough courts.

4.—(1) In the case of any borough having a separate court of quarter sessions or a borough civil court, the persons whose names are included in so much of the jurors book for the area comprising the borough as relates to the area of the borough shall be qualified and liable to serve on grand juries in the borough and on juries for the trial of issues joined in either of those courts, and subsection (1) of section one hundred and eighty-six of the Municipal Corporations Act, 1882, shall cease to have effect.

45 & 46 Vict. c. 50.

(2) The foregoing provisions of this section shall come into operation on the first day of January, nineteen hundred and twenty-three.

(3) The clerk of the council of a county shall, on demand, supply free of cost to the person charged with the return of jurors in a court of quarter sessions or civil court in any borough in the county, a copy of so much of the jurors book for the county as relates to the area of the borough.

Abolition of present practice of striking special juries, and provision as to description of jurors in panel, &c.

5.—(1) Subject as hereinafter provided, a special jury shall in all cases be ballotted for and called in the order in which they are drawn from the box in the same manner as common jurors, and any enactments providing for the striking of a special jury according to the present practice shall cease to have effect:

Provided that nothing in this Act shall affect the manner of striking a special jury to try a question of disputed compensation under the Lands Clauses Consolidation Act, 1845.

8 & 9 Vict. c. 18.

(2) Where under the Juries Act, 1825, the addition of a juror is required to be stated on any panel, parchment, card or list, it shall be sufficient to set out the profession, calling or business of the juror.

Power to make Orders in Council.

6.—(1) Provision may be made by Order in Council under this Act—

(*a*) for requiring and authorising the registration officer to mark as jurors or as special jurors in the autumn register for the year in which this Act comes into operation the names of the persons qualified and liable or qualified to serve as such, notwithstanding that their names have not been so marked in the electors lists, and for

making so far as relates to the operation of this Act in that year any consequential modifications in the provisions thereof:

(*b*) for requiring and authorising the registration officer to mark provisionally as jurors or as special jurors in the electors lists for the spring register in any year the names of any persons included therein who are qualified and liable or qualified to serve as such:

(*c*) for prescribing the manner in which the jurors book is to be made up from the registers:

(*d*) for authorising the sheriff to require information to be furnished to him in writing or otherwise—

(i) by persons summoned to attend on juries, with respect to their sex and their professions, callings, or businesses; and

(ii) by persons applying to be excused from attending on juries, with respect to their previous service as jurors and any other matters relevant to the application; and

for imposing on persons who fail to furnish the required information or who furnish false information a penalty, to be recovered on summary conviction, not exceeding five pounds in respect of any one offence:

(*e*) for making such adaptations in any enactments as are necessary for giving full effect to this Act:

(*f*) otherwise for carrying this Act into effect.

(2) Any Order in Council made under this Act may be revoked or varied by a subsequent Order so made, but subject to such variation or revocation shall have effect as if enacted in this Act.

Interpretation.

7. In this Act, unless the context otherwise requires—

The expression "prescribed" means prescribed by Order in Council under this Act:

The expression "county" includes a county of a city and a county of a town for which a separate commission of assize is issued:

The expression "clerk of the county council" means in the case of such a city or town as aforesaid the town clerk, and in the case of the county of London the clerk of the peace:

The expression "sheriff" includes any person charged with the return of jurors:

The expression "overseers" means, in relation to a metropolitan borough, the town clerk, and in relation to a parish for which in pursuance of the Vestries Act, 1850, there has been appointed a vestry clerk who is charged with duties in connection with the preparation of jury lists, the vestry clerk.

13 & 14 Vict. c. 57.

Short title, saving, extent, and repeal.

8.—(1) This Act may be cited as the Juries Act, 1922.

(2) Nothing in this Act shall alter or affect—

(*a*) the preparation of jury lists or the jurors book in the City of London; or

(*b*) the qualification or liability of any person to be summoned to serve and to serve as a juror or special juror on any jury in the High Court or at assizes, or in any county court, except that (without prejudice to the provisions of section thirty-seven of the Juries Act, 1825) a person whose name is not included in the register of electors shall not be qualified or liable so to serve, and that a woman who is a vowed member of a religious order living in a convent or other religious community shall not be marked as a juror and shall not, although included in the jurors book, be liable to serve on any jury.

(3) This Act shall not apply to Scotland or Ireland.

(4) The enactments mentioned in the Schedule to this Act shall be repealed to the extent specified in the third column of that schedule.

SCHEDULE.

Section 8.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
6 Geo. 4. c. 50	The Juries Act, 1825.	Sections five, six, eight, nine, ten, eleven, twelve, thirty-one and thirty-two; section thirty-three down to the words "provided always that"; in section thirty-four the words "the fees for striking such jury and"; sections thirty-six and forty-five; in section forty-six the words from "shall refuse" where they first occur to "application or", the words from "to provide" where they first occur to "aforesaid or" where they first occur, the words from "or if any clerk" to "within "such division", the words "except in consequence of the "conviction of the churchwarden "or overseer hereinbefore pro- "vided for", the words from "or "shall refuse or neglect within "ten days" to "by any of his "predecessors", and the words "clerk of the petty sessions"; in section fifty the words from the beginning to "heretofore accus "tomed"; the Schedule.
25 & 26 Vict. c. 107.	The Juries Act, 1862.	Sections four, five, six, eight, nine, and ten, and the Schedule.
33 & 34 Vict. c. 77.	The Juries Act, 1870.	In section eight the words "juries or," wherever they occur; sections eleven to fifteen and section seventeen.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	Subsection (1) of section one hundred and eighty-six.

CHAPTER 12.

An Act to alter certain dates prescribed by the Representation of the People Act, 1918, in connexion with the registration of electors, and to amend section fifty-four of the Local Government Act, 1888. [31st May 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Revision of dates. 7 & 8 Geo. 5. c. 64.

1. The dates fixed by the Representation of the People Act, 1918 (in this Act referred to as "the principal Act"), for the end of the qualifying period and for certain other purposes in connexion with the registration of electors, shall be modified in the manner shown, as respects England and Wales in Part I., as respects Scotland in Part II., and as respects Northern Ireland in Part III., of the Schedule to this Act; and the principal Act shall have effect accordingly.

Amendment of s. 54 of 51 & 52 Vict. c. 41.

2. Where a representation has been made to a Secretary of State under section fifty-four of the Local Government Act, 1888, as amended by any subsequent enactment, to the effect that it is desirable to alter the boundary of any electoral division of a county in England or Wales, or the number of county councillors and electoral divisions in any such county, and where such notice of the proposal in the representation has been given as may have been prescribed by the Secretary of State, the Secretary of State may, if he thinks fit, having regard to all the circumstances of the case, make an order under the said section without causing any local inquiry to be made:

Provided that, if any local authority in or for the county, or any number of local government electors registered for any electoral division in the county, not being less than one hundred or than one-sixth of the electors, whichever number is the smaller, petition the Secretary of State against the proposal in the representation, the Secretary of State shall not make an order without a local inquiry.

3.—(1) This Act may be cited as the Representation of the People Act, 1922, and the Representation of the People Acts, 1918 to 1921, and this Act may be cited together as the Representation of the People Acts, 1918 to 1922. Short title.

(2) This Act shall, for the purposes of sections six and fifteen of the Government of Ireland Act, 1920, be deemed to be an Act passed before the appointed day. 10 & 11 Geo. 5. c. 67.

SCHEDULE.

Section 1.

1. This schedule shows—

(*a*) the provisions of the principal Act referring to dates affected by this Act;

(*b*) the subject-matter to which the respective dates relate;

(*c*) the dates fixed by the principal Act;

(*d*) the dates to be substituted therefor under this Act.

2. Paragraph (*a*) of subsection (11) of section forty-four of the principal Act (which applies to the yearly register in Ireland the provisions applicable to the autumn register) shall, in the application of that Act to Northern Ireland, be construed as applying those provisions subject to the modification in dates set out in Part III. of this schedule, and the register in force in Northern Ireland at the passing of this Act shall continue in force until the fifteenth day of December, nineteen hundred and twenty-two.

PART I.

England and Wales.

(*a*) Provision of principal Act.	(*b*) Subject-matter.	(*c*) Dates fixed by principal Act.		(*d*) Dates to be substituted under this Act.	
		Spring Register.	Autumn Register.	Spring Register.	Autumn Register.
Sections 6 and 11.	End of qualifying period	15 Jan.	15 July	15 Dec.	15 June.
Schedule I.: Rule 6 -	Publication of electors lists.	1 Feb.	1 August	17 Jan.	15 July.

PART I.—*continued.*

England and Wales—continued.

(*a*) Provision of principal Act.	(*b*) Subject-matter.	(*c*) Dates fixed by principal Act.		(*d*) Dates to be substituted under this Act.	
		Spring Register.	Autumn Register.	Spring Register.	Autumn Register.
Schedule I. —*cont.*					
Rule 12 -	Last day for notice of objections to electors lists.	15 Feb.	15 August	4 Feb.	4 August.
Rule 9 -	Last day for claims -	18 ,,	18 ,,	10 ,,	10 ,,
Rule 16 -	Last day for claims as absent voters.	18 ,,	18 ,,	24 ,,	24 ,,
Rule 17 -	Last day for notification of desire by naval or military voter not to be placed on absent voters list.	18 ,,	18 ,,	24 ,,	24 ,,
Rule 14 -	Publication of list of objections to electors lists.	21 ,,	21 ,,	16 ,,	16 ,,
Rule 11 -	Publication of list of claimants.	24 ,,	24 ,,	16 ,,	16 ,,
Rule 12 -	Last day for objections to claimants.	7 March	4 Sept.	24 ,,	24 ,,
Rule 15 -	Publication of list of objections to claimants.	7 ,,	4 ,,	24 ,,	24 ,,

PART II.

Scotland.

Sections 6 and 11.	End of qualifying period	15 Jan.	15 July	15 Dec.	15 June.
Schedule I.:					
Rule 6 -	Publication of electors lists.	1 Feb.	1 August	1 Feb.	1 August.
Rule 12 -	Last day for notice of objections to electors lists.	15 ,,	15 ,,	15 ,,	15 ,,
Rule 9 -	Last day for claims -	18 ,,	18 ,,	15 ,,	15 ,,
Rule 16 -	Last day for claims as absent voters.	18 ,,	18 ,,	25 ,,	25 ,,
Rule 17 -	Last day for notification of desire by naval or military voter not to be placed on absent voters list.	18 ,,	18 ,,	25 ,,	25 ,,
Rule 14 -	Publication of list of objections to electors lists.	21 ,,	21 ,,	22 ,,	22 ,,
Rule 11 -	Publication of list of claimants.	24 ,,	24 ,,	22 ,,	22 ,,
Rule 12 -	Last day for objections to claimants.	7 March	4 Sept.	27 ,,	27 ,,
Rule 15 -	Publication of list of objections to claimants.	7 ,,	4 ,,	27 ,,	27 ,,

PART III.

Northern Ireland.

(*a*) Provision of principal Act.	(*b*) Subject-matter.	(*c*) Dates fixed by principal Act.	(*d*) Dates to be substituted under this Act.
Section 44 (11) (*a*).	End of qualifying period - -	15 July -	15 July.
Schedule I. :			
Rule 6 -	Publication of electors lists - -	1 August -	1 September.
Rule 12 -	Last day for notice of objections to electors lists.	15 „ -	15 „
Rule 9 -	Last day for claims - - -	18 „ -	18 „
Rule 16 -	Last day for claims as absent voters	18 „ -	18 „
Rule 17 -	Last day for notification of desire by naval or military voter not to be placed on absent voters list.	18 „ -	18 „
Rule 14 -	Publication of list of objections to electors lists.	21 „ -	21 „
Rule 11 -	Publication of list of claimants -	24 „ -	24 „
Rule 12 -	Last day for objections to claimants	4 September	5 October
Rule 15 -	Publication of list of objections to claimants.	4 „	5 „
Sections 11 (2) and 44 (11) (*b*).	Register comes into force - -	15 October -	15 December.

CHAPTER 13.

An Act to make better provision for furthering British settlement in His Majesty's Oversea Dominions. [31st May 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Power of Secretary of State to co-operate in schemes.

1.—(1) It shall be lawful for the Secretary of State, in association with the government of any part of His Majesty's Dominions, or with public authorities or public or private organisations either in the United Kingdom or in any part of such Dominions, to formulate and co-operate in carrying out agreed schemes for affording joint assistance to suitable persons in the United Kingdom who intend to settle in any part of His Majesty's Oversea Dominions.

(2) An agreed scheme under this Act may be either:—

(*a*) a development or a land settlement scheme; or

(*b*) a scheme for facilitating settlement in or migration to any part of His Majesty's Oversea Dominions by assistance with passages, initial allowances, training or otherwise;

and shall make provision with respect to the contributions to be made, either by way of grant or by way of loan or otherwise, by the parties to the agreed scheme towards the expenses of the scheme.

(3) The Secretary of State shall have all such powers as may be necessary for carrying out his obligations under any scheme made in pursuance of this Act:

Provided that—

(*a*) the Secretary of State shall not agree to any scheme without the consent of the Treasury, who shall be satisfied that the contributions of the government, authority, or organisation with whom the scheme is agreed towards the expenses of the scheme bear a proper relation to the contribution of the Secretary of State; and

(*b*) the contribution of the Secretary of State shall not in any case exceed half the expenses of the scheme; and

(*c*) the liability of the Secretary of State to make contributions under the scheme shall not extend beyond a period of fifteen years after the passing of this Act.

(4) Any expenses of the Secretary of State under this Act shall be paid out of moneys provided by Parliament:

Provided that the aggregate amount expended by the Secretary of State under any scheme or schemes under this Act shall not exceed one million five hundred thousand pounds in the financial year current at the date of the passing of this Act, or three million pounds in any subsequent financial year, exclusive of the amount of any sums received by way of interest on or repayment of advances previously made.

2. His Majesty may by Order in Council direct that this Act shall apply to any territory which is under His Majesty's protection, or in respect of which a mandate is being exercised by the government of any part of His Majesty's Dominions as if that territory were a part of His Majesty's Dominions, and, on the making of any such order, this Act shall, subject to the provisions of the Order, have effect accordingly. Application to protectorates, &c.

3. This Act may be cited as the Empire Settlement Act, 1922. Short title.

CHAPTER 14.

An Act to make provision with respect to the period for which certain accounts subject to audit by district auditors are to be made up and audited, and to authorise the holding of extraordinary audits of any such accounts.

[29th June 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Where it is provided by any enactment (whether contained in a general or in any other Act) that any accounts subject to audit by district auditors are to be made up and audited half-yearly, those accounts shall, notwithstanding the said enactment, be made up yearly to the thirty-first day of March, or such other date as the Minister of Health may by general or special order direct, and audited once in every year. Accounts of certain local authorities, &c., to be made up yearly.

(2) This section shall not apply to the accounts of boards of guardians in the metropolitan area or of the managers of any school district or sick asylum district in that area other than the managers of the Metropolitan Asylums District.

Power of Minister of Health to direct holding of extraordinary audit.

2.—(1) The Minister of Health may at any time direct a district auditor to hold an extraordinary audit of any accounts which are subject to audit by district auditors.

(2) An extraordinary audit held under this section shall be deemed to be an audit within the meaning of the enactments relating to audit by district auditors, and may be held after three days' notice in writing given to the authority or persons whose accounts are to be audited:

42 & 43 Vict. c. 6.

Provided that section three of the District Auditors Act, 1879 (which requires the submission to the district auditor of a financial statement in the prescribed form), shall not apply in the case of an extraordinary audit held under this section.

Short title.

3. This Act may be cited as the Audit (Local Authorities, &c.) Act, 1922.

CHAPTER 15.

An Act to amend the Government of the Soudan Loan Act, 1919. [29th June 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of Schedule to 9 & 10 Geo. 5. s. 43.

1. The Government of the Soudan Loan Act, 1919 (which authorises the Treasury to guarantee the payment of interest on a loan to be raised by the Government of the Soudan), shall have effect as though the amount which under the Schedule to that Act is allocated to works for the purposes of irrigating the Gezireh Plain were increased by the sum of four hundred thousand pounds (being the amount allocated in the said Schedule to the Tokar irrigation and railway extension) and as though the reference in the said Schedule to the Tokar irrigation and railway extension were omitted therefrom.

Short title and construction.

2. This Act may be cited as the Government of the Soudan Loan (Amendment) Act, 1922, and shall be construed as one with the Government of the Soudan Loan Act, 1919, and those Acts may be cited together as the Soudan Loan Acts, 1919 and 1922.

CHAPTER 16.

An Act to assimilate and amend the law of Real and Personal Estate, to abolish copyhold and other special tenures, to amend the law relating to commonable lands and of intestacy, and to amend the Wills Act, 1837, the Settled Land Acts, 1882 to 1890, the Conveyancing Acts, 1881 to 1911, the Trustee Act, 1893, and the Land Transfer Acts, 1875 and 1897.

[29th June 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

ASSIMILATION AND AMENDMENT OF THE LAW OF REAL AND PERSONAL ESTATE.

Legal Estates, Equitable Interests and Powers.

"Legal estates" and "equitable interests," and repeal of the Statute of Uses.

1.—(1) The only estates, interests or charges in or over land which, after the commencement of this Act, shall be capable of subsisting or of being conveyed or created at law shall consist of—

(*a*) An estate in fee simple absolute in possession:

(*b*) A term of years absolute:

(*c*) An easement, right, or privilege in or over land for an interest equivalent to a like estate or term:

(*d*) A like estate or term in mines and minerals, apart from the surface, or in the surface apart from the mines and minerals:

(*e*) A rentcharge in possession issuing out of or charged on land being either perpetual or for a term of years absolute:

(*f*) Land tax, tithe rentcharge, and any other similar charge on land which is not created by an instrument:

(*g*) Rights of entry exerciseable over or in respect of a legal term of years absolute, or annexed, for any purpose, to a legal rentcharge.

And all other estates, interests, and charges in or over land (including fees determinable whether by limitation or condition) which at or after the commencement of this Act were, or but for this section would have been, legal estates, interests or charges, or capable of taking effect as such are hereby converted into or shall take effect as equitable interests.

(2) The estates, interests, and charges which under this section are authorised to subsist or to be conveyed or created at law are (when subsisting or conveyed or created at law) in this Act referred to as "legal estates," and the owner of a legal estate is referred to as "an estate owner" and his legal estate is referred to as his estate.

(3) A legal estate may subsist concurrently with or subject to any other legal estate in the same land in like manner as it could have done if this Act had not been passed.

(4) A legal estate shall not be capable of subsisting or of being created in an undivided share in land, and in this Part of this Act "land" does not include an undivided share therein unless the context so requires.

(5) Every power of appointment over, or power to convey or charge land or any interest therein, whether created by a statute or other instrument or implied by law, and whether created before or after the commencement of this Act (not being a power vested in a legal mortgagee or chargee by way of legal mortgage or an estate owner in right of his estate and exerciseable by him or by another person in his name and on his behalf), shall after such commencement operate only in equity.

(6) Estates, interests, and charges in or over land which are not legal estates are in this Act referred to as "equitable interests," and powers which by this Act are to operate in equity only are in this Act referred to as "equitable powers."

(7) The Statute of Uses and section sixty-two of the Conveyancing Act, 1881, are hereby repealed and the provisions in any statute or other instrument requiring land to be conveyed to uses shall take effect as directions that the land shall (subject to creating or reserving thereout any legal estate authorised by this Act which may be required) be conveyed to the proper person of full age upon the requisite trusts. 27 Hen. 8. c. 10. 44 & 45 Vict. c. 41.

(8) This section takes effect subject to the express savings and exceptions contained in this Part of this Act.

2. Legal estates outstanding at the commencement of this Act shall (in the circumstances mentioned in the first part of the First Schedule to this Act) vest in the person entitled to call for the same, or be extinguished or merged in accordance with the provisions of that schedule. The getting in of bare outstanding legal estates.

3.—(1) After the commencement of this Act a purchaser of a legal estate in land shall not be concerned with or affected by any equitable interest or power affecting that land, whether he has notice thereof or not, save as provided by subsection (2) of this section. Purchaser of legal estate not concerned with certain equitable interests or powers; and provisions for the protection thereof.

(2) A conveyance of a legal estate (other than a conveyance made by a mortgagee or personal representative in exercise of his powers) shall not, in favour of a purchaser, over-reach an equitable interest or power of which the purchaser has notice, unless—

(i) Such equitable interest or power—

(*a*) is independently of subsection (3) of this section over-reached by trustees for sale, or by the exercise of the powers conferred by the Settled Land Acts (as amended), or the powers conferred by a settlement; or

(*b*) is bound by an order of the court; or

(*c*) is over-reached by virtue of subsection (3) of this section; and

(ii) If any capital money arises from the transaction, the same is paid into court, or the requirements of this Act respecting the payment of capital

money arising under a trust for sale or a settlement, are complied with.

(3) Equitable interests and powers which are not capable of being over-reached independently of this subsection shall, notwithstanding any stipulation to the contrary, be capable of being over-reached in manner following:—

(i) Where the legal estate affected is at the time when any equitable interests or powers are created or arise subject to a trust for sale, the equitable interests and powers aforesaid may be over-reached by the trustees for sale, and shall, according to their priorities, take effect as if created or arising by means of a trust affecting the proceeds of sale and the income of the land until sale;

(ii) Where the legal estate affected is, at the time aforesaid subject to a settlement, the equitable interests and powers aforesaid may be over-reached by the tenant for life of full age or statutory owner, and shall, according to their priorities, take effect as if limited or arising by or under that settlement;

(iii) Where the legal estate affected is not subject to a trust for sale or a settlement, then, if the estate owner conveys his estate to two or more individuals approved either by the persons in whom the equitable interests or powers aforesaid are vested or by the court, or to a trust corporation, upon trust for sale, with or without power to postpone the sale, such equitable interests and powers may be over-reached by the trustees for sale, and shall, according to their priorities, take effect as if created or arising by means of a primary trust affecting the proceeds of sale and the income of the land until sale.

(4) Equitable interests and powers capable of being over-reached by virtue of subsection (3) of this section are in this Act referred to as "protected by a trust for sale or "a settlement."

(5) Save as hereinafter provided, this section shall not apply to the following equitable interests and powers namely—

(i) The benefit of any covenant or agreement restrictive of the user of freehold land;

(ii) Any easement, liberty, or privilege over or affecting land and being merely an equitable interest;

(iii) The benefit of any contract to convey or create a legal estate (including a contract conferring a valid option of purchase, a right of pre-emption, or any other like right);

(iv) Any equitable interest protected by registration as a land charge or by an entry in any of the registers kept at the land registry or elsewhere under the Land Charges Registration and Searches Act, 1888 (as amended), and not being an interest the registration of which does not operate to prevent the same being over-reached by a conveyance to a purchaser of a legal estate in or created out of land subject to a trust for sale or a settlement; 51 & 52 Vict. c. 51.

(v) Any equitable interest protected by a deposit of documents relating to the legal estate affected:

Provided that a purchaser of a legal estate in land shall not be concerned with or affected by any equitable interest comprised in paragraphs (i) (ii) and (iii) of this subsection unless—

(*a*) If created before the commencement of this Act, the purchaser has notice thereof; or,

(*b*) If created after the commencement of this Act, it is protected by registration as a land charge.

(6) Where any equitable interest or power, to which this section applies, has priority to any legal estate which is paramount to the trust for sale or settlement, nothing contained in this section shall enable such interest or power to be over-reached to the prejudice of the person in whom the same is vested without his consent.

(7) Without prejudice to the protection afforded by this section to the purchaser of a legal estate, nothing contained in this section shall deprive a person entitled to an equitable charge of any of his rights or remedies for enforcing the same.

Enforcement of equitable interests and powers.

4. All equitable interests and powers, whether created before or after the commencement or by virtue of this Act, shall be enforceable against the owner of the estate affected (other than a purchaser of a legal estate taking free therefrom) in the manner provided in the second part of the First Schedule to this Act.

Title to be shown to legal estates.

5.—(1) Where title is shown to a legal estate in land, it shall be deemed not necessary or proper to include in the abstract of title an instrument relating only to interests or powers which will be over-reached by the conveyance of the land to which title is being shown; but nothing in this Part of this Act shall affect the liability of any person to disclose an equitable interest or power which will not be so over-reached, or to furnish an abstract of any instrument creating or affecting the same.

(2) A solicitor delivering an abstract framed in accordance with this Act shall not incur any liability on account of an omission to include therein an instrument which, under this section, is to be deemed not necessary or proper to be included, nor shall any liability be implied by reason of the inclusion of any such instrument.

Registration in Middlesex and Yorkshire.

6. After the commencement of this Act it shall not be deemed necessary to register a memorial of any instrument in any local deeds registry unless the instrument operates to transfer or create a legal estate, or to create a charge thereon by way of legal mortgage; nor shall the registration of a memorial of any instrument not required to be registered be effectual or operate to give notice of the contents thereof.

Provisions as to contracts.

7.—(1) Where title can be made to a legal estate under the powers conferred by the Settled Land Acts (as extended by this Act) available to bind an equitable interest or power in or over the land without an application to the court, then a purchaser shall, notwithstanding any stipulation to the contrary, be entitled to require that title be made under such powers without the concurrence of the person entitled to the equitable interest or in whom the equitable power is vested.

(2) A stipulation contained in any contract, made after the commencement of this Act, to the effect that a purchaser shall, at his own expense or otherwise, trace and get in an outstanding legal estate, shall be void; and if the subject matter of the contract is expressed to be an equitable interest (and is such an interest as is capable of subsisting at law or an entailed interest in possession) then if the vendor has power to vest, or to require the legal estate to be vested in himself or in the purchaser, the contract shall extend to the legal estate; but this subsection does

not affect the right of a mortgagee of leasehold land to sell his mortgage term only if he is unable to convey the leasehold reversion expectant thereon.

(3) Any such stipulation as is hereinafter mentioned, contained in any contract (other than a contract by a mortgagee or personal representative) for the sale of a legal estate or of an interest in land capable of subsisting at law made after such commencement, shall be void, that is to say—

(*a*) A stipulation that a purchaser, where there are trustees of a settlement, shall accept a title made with the concurrence of a person entitled to an equitable interest, capable of being over-reached under the Settled Land Acts, instead of under those Acts.

(*b*) A stipulation that a purchaser, where there are no such trustees, shall accept a title made with the concurrence of more than two persons entitled to equitable interests (which would be capable of being over-reached under the Settled Land Acts, as soon as trustees of the settlement are appointed), instead of under those Acts; or shall pay or contribute towards the costs of the appointment of such trustees.

(*c*) A stipulation that a purchaser, where the land is subject to a trust for sale, shall accept a title otherwise than under the trust for sale or under the powers conferred on the trustees for sale.

(4) A contract or other liability created or arising before the commencement of this Act to make a settlement of land shall be deemed to be sufficiently complied with if the land is vested in the tenant for life of full age, or statutory owner, upon the trusts of a trust deed in like manner as is provided by this Part of this Act with respect to settlements made after the commencement of this Act; and any contract to dispose of an undivided share in land shall be deemed to be sufficiently complied with by the conveyance of a corresponding share in the proceeds of sale of the land in like manner as if the contract had been made after the commencement of this Act.

(5) A contract by an estate owner to create an equitable interest in land shall, unless the contrary

thereby appears, be construed as a contract to effect the same by means of a trust for sale.

(6) Without prejudice to the protection afforded by this Act to a purchaser of a legal estate, and to the provisions of this Act relating to the manner in which a contract is to be carried out, with or without variation, nothing in this Part of this Act shall affect the right to enforce a contract relating to land.

Rights protected by registration.

8. Where a purchaser of a legal estate is entitled to acquire the same discharged from an equitable interest which is protected by registration as a land charge or under the Land Charges Registration and Searches Act, 1888 (as amended), and which will not be overreached on the conveyance to him, he may notwithstanding any stipulation to the contrary, require—

(*a*) the registration to be cancelled free of expense to him; or

(*b*) that the person entitled to the equitable interest shall concur in the conveyance free of expense to the purchaser.

Mortgages.

Effect, creation, and realisation of mortgages of freeholds and leaseholds.

9. For the purpose of securing that the legal estate shall vest or remain vested in a mortgagor of land or in a purchaser from a mortgagee or other person who becomes entitled to the land free from the right of redemption, the provisions contained in the Second Schedule to this Act (under which mortgages of land are to take effect or be created only by demise or subdemise or by charge by way of legal mortgage) shall have effect, but without prejudice to the right to create equitable charges by deposit of documents or otherwise.

Undivided Shares.

The entirety of land held in undivided shares to vest in trustees for sale, with power to postpone the sale.

10. For removing the difficulties incidental to land being held in undivided shares, and for preventing the creation of undivided shares in land, except under a settlement and behind a trust for sale, the provisions contained in the Third Schedule to this Act (under which land held in undivided shares is vested or will become vested in trustees on trust for sale) shall have effect.

Dispositions on Trust for Sale.

11. For protecting purchasers acquiring land under a trust for sale, and the persons beneficially interested in the proceeds of sale or in the land until sale and for facilitating dealings with land held on trust for sale (including a partition among the persons interested) the provisions contained in the Fourth Schedule to this Act shall have effect.

Provisions for regulating and facilitating dealings with land held on trust for sale.

Settlements.

12. For assimilating the method of settling land to that employed in settling personal estate; for securing that settled land shall be vested in the tenant for life of full age or other persons who, during a minority, or at any other time when there is no tenant for life of full age, have the powers of a tenant for life; for providing for the devolution thereof on a death to personal representatives until an assent is given; for protecting equitable interests under a settlement by requiring capital money to be paid to at least two trustees (except in the case of a trust corporation) or into court, and for protecting trustees of settlements and purchasers of settled land, the provisions contained in the Fifth Schedule to this Act shall have effect.

Regulations respecting settlements of land.

Infants and Lunatics.

13. For securing that the legal estate of an infant shall vest or be vested in trustees; for providing for the management of land vested in personal representatives during a minority and for conveyances and settlements on behalf of lunatics or defectives being made in their names, the provisions contained in the Sixth Schedule to this Act shall have effect.

Infants not to take legal estates; conveyances on behalf of lunatics.

Land Charges.

14. For extending the statutory provisions relating to land charges to charges for death duties and other matters (including certain charges of local authorities) and for amending the Land Charges Registration and Searches Act, 1888, in reference thereto, the provisions contained in the Seventh Schedule to this Act shall have effect.

Amendment of the Land Charges Registration and Searches Act, 1888, in respect of death duties and other matters.

Death Duties and Bankruptcies.

Provisions for payment of death duties and protection of purchasers therefrom.

15.—(1) A personal representative shall be accountable for all death duties which may become leviable or payable on the death of the deceased in respect of land (including settled land) which devolves upon him by virtue of this Act or otherwise.

(2) In every other case the estate owner (other than a purchaser who acquires a legal estate after the charge for death duties has attached and free from such charge), shall be accountable for all the duties aforesaid which become leviable or payable in respect of his estate in the land or any interest therein capable of being overreached by his conveyance, made under the Settled Land Acts, or pursuant to a trust for sale, to a purchaser.

(3) Where a charge in respect of death duties is not registered as a land charge, a purchaser of a legal estate shall take free therefrom, unless the charge for duties attached before the commencement of this Act and the purchaser had notice of the facts giving rise to the charge.

(4) Where a charge in respect of death duties is not registered as a land charge, the person who conveys a legal estate to a purchaser, and the proceeds of sale, funds, and other property (if any) derived from the conveyance and the income thereof shall (subject as hereinafter provided) be or remain liable in respect of and stand charged with the payment of the death duties, the charge for which is over-reached by the conveyance, together with any interest payable in respect of the same.

(5) Notwithstanding that any death duties may be payable by instalments, on a conveyance of a legal estate by way of sale exchange or mortgage (by demise or sub-demise or by charge by way of legal mortgage), all death duties payable in respect of the land dealt with and remaining unpaid, the charge for which is over-reached by such conveyance, shall immediately become payable and carry interest at the rate of four pounds per centum per annum from the date of the conveyance:

Provided that where, by reason of this subsection, an amount is paid or becomes payable for duties and interest in excess of the amount which would have been

payable if the duties had continued to be paid by instalments, then such excess shall be repaid or allowed as a deduction by the Commissioners of Inland Revenue.

(6) Capital money liable to be laid out in the purchase of land to be settled in the same manner as the land in respect of which the duty became payable, and personal estate held on the same trusts as the proceeds of sale of land (in respect of which the duty became payable) held on trust for sale may, by the direction of the tenant for life of full age, statutory owner, or trustee for sale who is accountable, and although the duty is only payable in respect of an interest which is or is capable of being over-reached by a conveyance to a purchaser, be applied in discharging all or any of the duties aforesaid and the costs of discharging the same.

(7) Where the duties would not, except by virtue of the last subsection, be payable out of the capital money, or personal estate aforesaid, then the amount so paid shall be repaid by the person liable for the duty to the trustees of the settlement or the trustees for sale, by the like instalments and at the like rate of interest by and at which the unpaid duty and the interest thereon might have been paid if the land had not been conveyed to a purchaser, and the interests of the person so liable, remaining subject to the settlement of the land or of the proceeds of sale, shall stand charged with the repayment of the instalments and the interest aforesaid; and the trustees of the settlement or the trustees for sale shall be entitled to recover and receive any excess of duty which may become repayable by the said Commissioners.

(8) Except in the case of a conveyance to a purchaser, a conveyance shall take effect, subject to any subsisting charge or liability for payment of the duty and interest, if any, notwithstanding that the charge for duty may not have been registered.

(9) For the purpose of raising the duty, and the costs of raising the same, the personal representative or other person accountable as aforesaid shall have all the powers which are by any statute conferred for raising the duty.

(10) Nothing in this Act shall alter any duty payable in respect of land, or impose any new duty thereon, or

affect the remedies of the said Commissioners against any person other than a purchaser or a person deriving title under him.

(11) Notwithstanding that any duties are by this Act made payable by the personal representative or other person aforesaid, nothing in this Act shall affect the liability of the persons beneficially interested or their respective interests in respect of any duty, and they shall accordingly account for or repay the same and any interest and costs attributable thereto to the said Commissioners or to the personal representative or other person accountable as aforesaid, as the case may require.

(12) Nothing in this section shall impose on a personal representative, tenant for life of full age, statutory owner, trustee for sale, or other person in a fiduciary position, as such, any liability for payment of duty, in excess of the assets (including land) vested in him or in the trustees of the settlement which shall for the time being be available in his hands or in the hands of such trustees for the payment of the duty or which would have been so available but for his or their own neglect or default, or impose a charge for duties on leasehold land, or render a mortgagee liable in respect of any charge for duties which is not paramount to his mortgage.

(13) The said Commissioners, on being satisfied that a personal representative or other person accountable has paid or commuted or will pay or commute all death duty for which he is accountable in respect of the land or any part thereof, shall, if required by him, give a certificate to that effect, which shall discharge from any further claim for such duty the land to which the certificate extends, and the production of such certificate to the land registrar or other proper officer shall be a sufficient authority to enable him to cancel any land charge registered in respect of the duty so far as it affects the land to which the certificate extends.

(14) This section does not apply to registered land, and only applies in favour of a purchaser for money or money's worth.

As to bankruptcies of estate owners.

16.—(1) Every petition in bankruptcy filed after the commencement of this Act shall be registered at the land registry as a lis pendens, and, as respects any transfer

or creation of a legal estate, a petition filed after such commencement which is not so registered shall not, until so registered, be notice or evidence of any act of bankruptcy therein alleged.

(2) Rules for giving effect to this section may be made under and in manner provided by section one hundred and thirty-two of the Bankruptcy Act, 1914, as if the registration were required by that Act. No fee shall be charged for the registration of a lis pendens if the application therefor is made by the registrar of the court in which a petition has been filed. 4 & 5 Geo. 5. c. 59.

(3) Where the petition is filed against a firm, the application to register shall state the names and addresses of the partners, and a lis pendens shall also be registered against each partner.

(4) Every receiving order in bankruptcy made after the commencement of this Act may (whether or not it is known to affect land) be registered and re-registered as an order affecting land within the meaning of section five of the Land Charges Registration and Searches Act, 1888, and the provisions of that Act (including in particular section seventeen thereof) shall apply accordingly. No fee shall be charged for the registration of the order if the application therefor is made by an official receiver.

(5) The words "does not include an order made by a court having jurisdiction in bankruptcy, but save as aforesaid," in the definition of "judgment" in section four of the said Act of 1888 are hereby repealed.

(6) The title of the trustee in bankruptcy acquired after the commencement of this Act shall be void as against a purchaser of a legal estate claiming under a conveyance made after the date of registration of the petition in bankruptcy unless, at the date of the conveyance, either the lis pendens is in force or the receiving order is registered pursuant to this section.

(7) This section only applies in favour of a purchaser of a legal estate in good faith for money or money's worth without notice of an available act of bankruptcy.

Amendments of the General Law.

17.—(1) From and after the commencement of this Act, an interest in tail or in tail male or in tail female or in tail special (in this Act referred to as "an entailed Abolition of technicalities respecting

the creation of entailed interests and of the rule in Shelley's case.

interest") may be created in equity in any property, real or personal, but only by the like expressions as before the commencement of this Act a similar estate tail could have been created by deed (not being an executory instrument) in freehold land, and with the like results, including the right to bar the entail either absolutely or so as to create an interest equivalent to a base fee.

(2) Expressions contained in an instrument coming into operation after the commencement of this Act, which, in a will, or executory instrument coming into operation before such commencement, would have created an entailed interest in freehold land, but would not have been effectual for that purpose in a deed (not being an executory instrument) shall (save as next hereinafter provided) operate in equity, in regard to property real or personal, to create absolute, fee simple or other interests corresponding to those which, if the property affected had been personal estate, would have been created therein by similar expressions before the commencement of this Act:

Provided that where, by any instrument coming into operation after the commencement of this Act, an interest is expressed to be given to the heir or heirs or issue or any particular heir or any class of the heirs or issue of any person in words which, but for this proviso, would, under the rule of law known as the Rule in Shelley's case, have operated to give to that person an interest in fee simple or an entailed interest, such words shall operate in equity as words of purchase and not of limitation, and shall be construed and have effect accordingly: and in the case of an interest expressed to be given to an heir or heirs or any particular heir or class of heirs, the same person or persons shall take as would in the case of freehold land have answered that description if this Act had not been passed.

(3) Where personal estate (including the proceeds of sale of land directed to be sold and chattels directed to be held as heirlooms) is, after the commencement of this Act, directed to be enjoyed or held with or upon trusts corresponding to trusts affecting land in which, either before or after the commencement of this Act an entailed interest has been created, and is subsisting, such direction shall be deemed sufficient to create a corresponding entailed interest in such personal estate.

(4) In default of and subject to the execution of a disentailing assurance or the exercise of the testamentary

power conferred by this Act, an entailed interest (to the extent of the property affected) shall devolve in equity, from time to time, upon the persons who would have been successively entitled thereto as the heirs of the body (either generally or of a particular class) of the tenant in tail or other person, if the entailed interest had, before the commencement of this Act, been limited in respect of freehold land, and this Act had not been passed.

(5) Section thirty-two of the Fines and Recoveries Act, 1833 (relating to the appointment of special protectors of a settlement), is hereby repealed as respects settlements made or coming into operation after the commencement of this Act. 3 & 4 Will. 4 c. 74.

(6) An entailed interest shall only be capable of being created by a settlement of real or personal property or the proceeds of sale thereof (including the will of a person dying after the commencement of this Act), or by an agreement for a settlement in which the trusts to affect the property are sufficiently declared; and in this Act, where the context so admits, the expression "entailed interest" includes an estate tail (by this Part of this Act made to take effect in equity) created before the commencement of this Act.

Abolition of the double possibility rule.

18.—(1) The rule of law prohibiting the limitation, after a life interest to an unborn person, of an interest in land to the unborn child or other issue of such person is hereby abolished, but without prejudice to any other rule relating to perpetuities.

(2) This section only applies to limitations or trusts created by an instrument coming into operation after the commencement of this Act.

As to heirs taking by purchase.

19.—(1) A limitation of real or personal property in favour of the heir (either general or special) of a deceased person which, if limited in respect of freehold land before the commencement of this Act, would have conferred on the heir an estate in the land by purchase, shall operate in equity to confer a corresponding equitable interest in the property on the person who would, if this Act had not been passed, have answered the description of the heir (either general or special) of the deceased, in respect of his freehold land, either at the death of the deceased or at the time named in the limitation, as the case may require.

(2) This section applies whether or not the deceased person dies before or after the commencement of this Act but only applies to limitations or trusts created by an instrument coming into operation after such commencement.

Miscellaneous Provisions.

Rights of pre-emption and entry; and extension of the Satisfied Terms Act.

20.—(1) All statutory or other rights of pre-emption affecting a legal estate shall be and be deemed always to have been capable of release, and unless released shall remain in force in equity only; and, for removing doubts, it is hereby declared that—

All rights of entry affecting a legal estate which by law are exerciseable, on condition broken, or for any other reason, by a person or his heirs or otherwise—

(*a*) are assignable by deed; and

(*b*) (without prejudice to the devolution thereof on the death of the person entitled thereto for an interest not ceasing on his death, to his personal representatives as part of his estate) can be disposed of by will; and

(*c*) after the commencement of this Act may, but, in regard to an estate in fee simple, (not being a rentcharge held for a legal estate) only within the period authorised by the rule relating to perpetuities, be made exerciseable by any person and the persons deriving title under him.

8 & 9 Vict. c. 112.

(2) After the commencement of this Act, the Satisfied Terms Act, 1845, shall apply and extend to all terms of years created or limited out of leasehold land in like manner as if the term had been limited out of freehold land, whether the term is created before or after such commencement, and any such term shall when satisfied merge in the reversion expectant thereon.

Vesting orders and dispositions of legal estates operating as conveyances by an estate owner.

21.—(1) Every vesting order made by any court or other competent authority, vesting declaration (express or implied) under any statutory power, conveyance by a person appointed for the purpose under an order of the court or authorised under any statutory power to convey in the name or on behalf of an estate owner, and every conveyance made under any power reserved or conferred by this Part of this Act, which is made or executed for

the purpose of vesting, conveying, or creating a legal estate, shall operate to convey or create the legal estate disposed of in like manner as if the same had been a conveyance executed by the estate owner of the legal estate to which the order, declaration, or conveyance relates.

(2) Where the order, declaration, or conveyance is made in favour of a purchaser, then the provisions of this Act relating to a conveyance of a legal estate to a purchaser shall apply thereto.

(3) The provisions of the Trustee Act, 1893 (as amended by any subsequent enactment), relating to vesting orders and orders appointing a person to convey shall apply to all vesting orders authorised to be made by this Part of this Act. 56 & 57 Vict. c. 53.

22.—(1) The provisions of this Part of this Act relating to freehold land shall apply to manors, reputed manors, lordships, advowsons, tithe and perpetual rent-charges, and other incorporeal hereditaments, subject only to the qualifications necessarily arising by reason of the inherent nature of the hereditament affected. Provisions of Act to apply to incorporeal hereditaments.

(2) This Part of this Act shall not affect the special restrictions imposed on dealings with advowsons by the Benefices Act, 1898, or any other statute, nor affect the limitation of, or authorise any disposition to be made of, a title or dignity of honour which in its nature is inalienable. 61 & 62 Vict. c. 48.

(3) This section shall take effect subject to the express provisions of this Act relating to undivided shares.

23. Where an easement, right or privilege for a legal estate is created, it shall enure for the benefit of the land to which it is intended to be annexed. Easements.

24.—(1) A reservation of a legal estate shall operate at law without any execution of the conveyance by the grantee of the legal estate out of which the reservation is made, or any regrant by him, so as to create the legal estate reserved, by way of transmutation of possession, and so as to vest the same in possession in the person (whether being the grantor or not) for whose benefit the reservation is made. Reservations.

(2) A conveyance of a legal estate, subject to another legal estate not in existence immediately before the date of the conveyance, shall operate in like manner as a reservation, so as to create the last-mentioned estate and to vest the same in possession in the person for whose benefit that estate is to be created.

(3) This section applies to leasehold land as well as to freehold land.

Confirmation of past transactions.

25.—(1) A deed containing a declaration by the estate owner that his estate shall go and devolve in such a manner as may be requisite for confirming any interests intended to affect his estate and capable under this Act of subsisting as legal estates which, at some prior date, were expressed to have been transferred or created, and any dealings therewith which would have been legal if those interests had been legally and validly transferred or created, shall, to the extent of the estate of the estate owner, but without prejudice to the restrictions imposed by this Act in the case of mortgages, operate to give legal effect to the interests so expressed to have been transferred or created and to the subsequent dealings aforesaid.

(2) This section applies to leasehold land as well as to freehold land; and the powers conferred by this section may be exercised by a tenant for life of full age, statutory owner, trustee for sale and a personal representative as well as by an absolute owner.

Charitable and public trusts.

26.—(1) All land vested or to be vested in trustees on charitable, ecclesiastical, or public trusts or purposes shall be deemed to be settled land, and the trustees shall, in reference to the land, have all the powers which are by the Settled Land Acts conferred on a tenant for life and on the trustees of the settlement, and the instrument creating the trust shall be deemed the settlement, but, save where the trust is created by will coming into operation after the commencement of this Act, a vesting instrument shall not be deemed necessary for giving effect to the settlement.

(2) The said powers shall be exercisable subject to such consents or orders (if any) being obtained as would have been required to authorise the transaction if this Act had not been passed. And, where the land is vested in the official trustee of charity lands, the said powers shall be exerciseable by the managing trustees, and the official trustee aforesaid shall not be liable for giving effect to their directions.

(3) Nothing in this section shall affect the jurisdiction of the court, Charity Commissioners, Board of Education, or other competent authority, in regard to the administration of charitable, ecclesiastical, or public trusts.

(4) Where any trustees or the majority of any set of trustees have power to transfer or create any legal estate, the same shall be transferred or created by them in the names and on behalf of the persons (including the official trustee of charity lands) in whom the legal estate is vested.

(5) This section applies whether the trust was created before or after the commencement of this Act.

Examples of abstracts of title and instruments.

27.—(1) Examples of abstracts of title framed in accordance with the provisions of this Act are contained in the Eighth Schedule to this Act.

(2) Examples of instruments framed in accordance with the provisions of this Act are contained in the Ninth Schedule to this Act.

Savings and Reservations.

Legal interests converted into equitable interests not to fail.

28.—(1) A legal estate or interest in land subsisting or capable of taking effect at the commencement of this Act shall not fail by reason of the same being converted into an equitable interest either in the land or in the proceeds of sale thereof, nor shall its priority over other equitable interests be affected.

(2) A purchaser of a legal beneficial interest in possession (subsisting immediately before the commencement of this Act) of a tenant for life under a settlement shall (without prejudice to any protection conferred by this Act on a purchaser of a legal estate) have and may exercise the same rights and remedies as he would have had or have been entitled to exercise if the interest had remained a legal interest, and the reversion (if any) on any leases or tenancies derived out of the settled land had remained vested in him.

(3) Interests in land validly created or arising after the commencement of this Act, which are not capable of subsisting as legal estates, shall take effect as equitable interests, and save as otherwise expressly provided by this Act, interests in land which under the Statute of Uses or otherwise could before the commencement of this Act have been created as legal interests, shall be capable of being created as equitable interests.

(4) Nothing in this Part of this Act shall affect the right to enforce any lessor's or lessee's covenants, agreements, or conditions (including a valid option to purchase or right of pre-emption over the reversion or the term of years absolute) contained in any instrument creating a

term of years absolute the benefit or burden of which run with the reversion or the term, nor render necessary the registration of any land charge in respect of the same.

Special statutory modes for conveying or acquiring land.
33 & 34 Vict. c. 23.
59 & 60 Vict. c. 25.

29. The provisions of the Forfeiture Act, 1870, in regard to the land of a convict, of the Friendly Societies Act, 1896, in regard to land to which that Act applies, and the provisions of any other statutes passed or hereafter to be passed conferring special facilities or modes (whether by way of registered memorial or otherwise) for disposing of or acquiring land, or providing for the vesting (by conveyance or otherwise) of the same in trustees or any person or holder for the time being of an office or corporation (sole or aggregate), shall remain in full force, with the variation that powers for disposing of or creating a legal estate shall be exercised, when practicable, in the name and on behalf of the estate owner.

Leasing powers.

30.—(1) All leases or tenancies at a rent for a term of years absolute authorised by the Conveyancing Acts, 1881 and 1911, or the Settled Land Acts, or any other statute (whether or not extended by any instrument) may be granted in the name and on behalf of the estate owner by the person empowered to grant the same, whether being an estate owner or not, with the same effect and priority as if this Part of this Act had not been passed; and nothing in this Act shall prejudicially affect the power to accept surrenders of leases conferred by the Conveyancing Act, 1911, as extended by any instrument; but this section shall not (except as respects the usual qualified covenant for quiet enjoyment) authorise any person granting a lease in the name of an estate owner to impose any personal liability on him.

1 & 2 Geo. 5. c. 37.

(2) Where a rentcharge is held for a legal estate the owner thereof may under section forty-four of the Conveyancing Act, 1881 (as amended), or under any corresponding power, create a legal term of years absolute for securing or compelling payment of the same; but in other cases terms created under that section shall, unless and until the estate owner of the land charged gives legal effect to the transaction, take effect only in equity.

Limitation and Prescription Acts.

31. Nothing in this Part of this Act shall affect the operation of any statutes already passed, or hereafter to be passed, for the limitation of actions or proceedings relating to land or with reference to the acquisition of easements or rights over or in respect to land.

32. This Part of this Act shall not prejudicially affect the right or interest of any person arising out of or consequent on the possession by him of any documents relating to land, nor affect any question arising out of or consequent upon any omission to obtain or any other absence of possession by any person of any documents relating to land. Effect of possession of documents.

33. This Part of this Act shall not prejudicially affect the interest of any person in possession or in actual occupation of land to which he may be entitled in right of such possession or occupation. Interests of persons in possession.

Construction.

34. For giving effect to this Part of this Act, the enfranchisement of copyhold land, the conversion of perpetually renewable leaseholds into long terms, and the abolition of interessè termini shall be deemed to have been effected immediately before the commencement of this Act. Construction.

PART II.

AMENDMENTS OF THE SETTLED LAND ACTS.

35. The minor amendments of the Acts, consequential on other Parts of this Act, contained in the Tenth Schedule to this Act, shall have effect. Amendments consequential on other Parts of this Act.

36.—(1) On a sale or other disposition or dealing under the powers of the Acts— Power on dispositions to impose restrictions and reserve easements, and as to valuation of timber on sale.

(*a*) Any easement, right, or privilege over or in relation to the land disposed of, or any part thereof, may be reserved for the benefit of the settled land or any part thereof, including, in the case of an exchange, the land taken in exchange; and

(*b*) Any restriction with respect to building on or other user of land, or with respect to mines and minerals, or with respect to or for the purpose of the more beneficial working thereof, or with respect to any other thing, may be imposed and made binding, as far as the law permits, by covenant, condition or otherwise, on the tenant for life and the settled land, or any part thereof, or on the other party and any land disposed of to him; and

(*c*) The whole or any part of any capital or annual sum (and in the case of an annual sum whether temporary or perpetual) charged on or payable out of the land disposed of, or any part thereof, and other land subject to the settlement, may, as between the tenant for life and his successors in title, and the other party and persons deriving title under or in succession to him (but without prejudice to the rights of the person entitled to such capital or annual sum) be charged exclusively on the land disposed of, or any part thereof, or such other land as aforesaid, or any part thereof, in exoneration of the rest of the land on or out of which such capital or annual sum is charged or payable.

(2) Subsection (1) of this section applies to dispositions or dealings before as well as after the commencement of this Act.

(3) A sale of land may be made subject to a stipulation that all or any of the timber and other trees, pollards, tellers, underwood, saplings and plantations on the land sold shall be taken by the purchaser at a valuation, and the amount of the valuation shall form part of the price of the land, and shall be capital money accordingly.

(4) In favour of a purchaser, a sale made before the commencement of this Act shall not be deemed to have been invalidated by reason only of any such stipulation as mentioned in the last preceding subsection, provided that the amount of the valuation was paid to the trustees of the settlement or into court.

45 & 46 Vict. c. 38.

(5) Subsection (6) of section four of the Settled Land Act, 1882, is hereby repealed.

(6) Subsection (1) of section seventeen of the Settled Land Act, 1882, shall have effect, and shall be deemed always to have had effect, as if the words "or mining" had not been contained therein, and the words "or other authorised disposition" had been inserted therein after the word "lease."

As to sale of mansion. 53 & 54 Vict. c. 69.

37. The restriction contained in subsection (2) of section ten of the Settled Land Act, 1890, shall apply in the case of a settlement made or coming into operation after the commencement of this Act only if the settlement expressly so provides.

Power to acquire land subject to certain incumbrances, and power for a tenant for life to accept leases. 51 & 52 Vict. c. 51.

38.—(1) Land may be acquired on a purchase or exchange to be made subject to a settlement, notwithstanding that the same is subject to any Crown rent, quit rent, chief rent, or other incident of tenure, or to any easement, right or privilege, or to any restrictive covenant, or to any liability to maintain or repair walls, fences, sea-walls, river banks, dykes, roads, streets, sewers, or drains, or to any land charge, as defined by section four of the Land Charges Registration and Searches Act, 1888 (as amended), which is capable of being redeemed out of capital money.

(2) The acquisition on a purchase or exchange before the commencement of this Act of any land subject to any such burden as aforesaid is hereby confirmed.

(3) A tenant for life may accept a lease of any land, or of any mines and minerals, or of any easement, right or privilege, convenient to be held or worked with or annexed in enjoyment to the settled land, or any part thereof, for such period, and upon such terms and conditions, as the tenant for life shall think fit; provided that no fine or premium shall be paid out of capital money in respect of such lease.

(4) The lease shall be granted to the tenant for life of full age, or statutory owner, and shall be deemed a supplemental vesting deed, and the statements and particulars required in the case of supplemental vesting deeds shall either be inserted therein or endorsed thereon.

(5) The lease may contain an option to purchase the reversion expectant on the term thereby granted.

Extension of section 10 of the Lands Clauses Consolidation Act, 1845. 8 & 9 Vict. c. 18.

39. The power conferred by section ten of the Lands Clauses Consolidation Act, 1845, to sell and convey land in consideration of an annual rentcharge shall extend to a tenant for life, in like manner in all respects as if he had been entitled to dispose of the settled land absolutely for his own benefit, and accordingly section four of the Lands Clauses Act, 1860, shall not apply to such a sale.

Consideration on sale to company incorporated by special Act, or provisional order.

40. The consideration on a sale under the powers conferred by the Acts to any company incorporated by special Act of Parliament or by provisional order confirmed by Parliament or the Board of Trade or by any other order, scheme or certificate having the force of an Act of Parliament, may, with the consent of the tenant for life, consist, wholly or in part, of fully-paid securities of

any description of the company, and such securities shall be vested in the trustees of the settlement and shall be subject to the provisions of the Acts relating to securities representing capital money arising under the Acts, and may be retained and held by the trustees in like manner as if they had been authorised by the Acts for the investment of capital money.

Power to grant water rights to statutory bodies for nominal consideration, and to make grants or leases for public purposes for a nominal consideration or gratuitously.

41.—(1) For the development, improvement, or general benefit of the settled land, or any part thereof, a tenant for life may make a grant in fee simple or absolutely, or a lease for any term of years absolute, for a nominal price or rent, or for less than the best price or rent which could be obtained, or gratuitously, to any statutory authority, of any water or streams or springs of water in, upon, or under the settled land, and of any rights of taking, using, enjoying and conveying water, and of laying, constructing, maintaining and repairing mains, pipes, reservoirs, dams, weirs and other works of any kind proper for the supply and distribution of water, and of any part of the settled land required as a site for any of the aforesaid works, and of any easement, right or privilege over or in relation to the settled land or any part thereof in connexion with any of the aforesaid works.

(2) Subsection (1) of this section does not authorise the creation of any greater rights than could have been created by a person absolutely entitled for his own benefit to the settled land affected.

(3) In subsection (1) of this section "statutory authority" means an authority for the time being empowered by any Act of Parliament, public or private, or by any order or certificate having the force of an Act of Parliament, to provide with a supply of water any town, parish or place in which the settled land or any part thereof is situated.

(4) For the development, improvement, or general benefit of the settled land, or any part thereof, a tenant for life may make a grant in fee simple or absolutely, or a lease for any term of years absolute, for a nominal price or rent, or for less than the best price or rent which could be obtained, or gratuitously, of any part of the settled land for all, or any one, or more of the following purposes, namely:—

(i) For the site or the extension of any existing site of a place of religious worship, residence for a

minister of religion, school house, town hall, market house, public library, public baths, museum, hospital, infirmary, or other public building, literary or scientific institution, drill hall, working-men's club, parish room, reading room or village institute, with or without in any case any yard, garden, or other ground to be held with any such building; or

(ii) For the construction, enlargement, or improvement of any railway, canal, road (public or private), dock, sea-wall, embankment, drain, watercourse, or reservoir; or

(iii) For any other public or charitable purpose in connexion with the settled land, or any part thereof, or tending to the benefit of the persons residing, or for whom dwellings may be erected, on the settled land, or any part thereof:

Provided that in any particular case not more than one acre shall be conveyed for any purpose mentioned in clauses (i) and (iii) of this subsection, and not more than five acres for any purpose mentioned in clause (ii) of this subsection, unless the full consideration or rent be paid or reserved in respect of the excess.

(5) This section does not affect the powers conferred by section thirty-one of the Housing, Town Planning, &c. Act, 1919, or by section twenty-nine of the Land Settlement (Facilities) Act, 1919, but shall have effect in addition thereto. 9 & 10 Geo. 5. c. 35. 9 & 10 Geo. 5. c. 59.

(6) All money (not being rent) received on the exercise of any power conferred by this section shall be capital money arising under the Acts.

Extension of sections 6 and 7 of the Act of 1882.

42.—(1) Section six of the Settled Land Act, 1882, shall have effect as if the several terms of nine hundred and ninety-nine years, one hundred years, and fifty years were respectively substituted for the periods of ninety-nine years, sixty years, and twenty-one years therein mentioned.

(2) A tenant for life may lease the settled land, or any part thereof, or any easement, right, or privilege of any kind, over or in relation to the same, to the Forestry Commissioners for any term not exceeding nine hundred and ninety-nine years for any purpose for which the Forestry Commissioners are authorised to acquire land by the Forestry Act, 1919. 9 & 10 Geo. 5. c. 58.

(3) In the case of a lease under subsection (2) of this section—

(i) a peppercorn rent or a nominal or other rent less than the rent ultimately payable, may be made payable for the first ten years or any less part of the term;

(ii) the rent may be made to be ascertainable by, or to vary according to the value of the timber on the land comprised in the lease, or the produce thereof, which shall during any year be cut, converted, carried away, or otherwise disposed of;

(iii) a fixed or minimum rent may be made payable, with or without power for the lessee, in case the rent according to value in any specified period does not produce an amount equal to the fixed or minimum rent, to make up the deficiency in any subsequent specified period, free of rent other than the fixed or minimum rent; and

(iv) any other provisions may be made for the sharing of the proceeds or profits of the user of the land between the reversioner and the Forestry Commissioners.

(4) In this section the expression "timber" includes all forest products.

(5) A new lease for a term of years absolute may be made to take effect in reversion after an existing lease having not more than seven years to run at the date of the new lease.

(6) This section applies to settlements coming into operation before as well as after the commencement of this Act, but only to leases executed after such commencement.

Power to sell in consideration of a rentcharge, and extension of section 13 of the Act of 1882.

43.—(1) A sale of settled land, or of any easement, right, or privilege over or in relation to settled land, may be made in consideration wholly or partially of a perpetual rent, or a terminable rent consisting of principal and interest combined, payable yearly or half yearly to be secured upon the land sold, or the land to which the easement, right, or privilege is to be annexed in enjoyment:

Provided that, in the case of a terminable rent, the conveyance shall distinguish the part attributable to

principal and that attributable to interest; and the part attributable to principal shall be capital money arising under the Acts.

(2) The rent to be reserved on any such sale shall be the best rent that can reasonably be obtained, regard being had to any money paid as part of the consideration, or laid out, or to be laid out, for the benefit of the settled land, and generally to the circumstances of the case, but a peppercorn rent, or a nominal or other rent less than the rent ultimately payable, may be made payable during any period not exceeding five years from the date of the conveyance.

(3) The provisions of subsections (3), (4), and (5) of section seven of the Settled Land Act, 1882, shall apply to this section as if those provisions were re-enacted in this section with the substitution of "conveyance" for "lease," "purchaser" for "lessee," and "duplicate" for "counterpart."

(4) The words "for building purposes" in section nine of the Settled Land Act, 1890, are hereby repealed.

(5) In section thirteen of the Settled Land Act, 1882, "surrender" shall include a regrant, and "lease" (save as hereinafter provided) shall include a grant in fee simple, and "lease of settled land," and "lease" in subsection (2) of that section, shall include land granted in fee simple with or subject to a reservation thereout of a perpetual or terminable rent which is or forms part of settled land, and "surrendered," "lease surrendered," "leased," "lessee," and "fine," shall respectively include "regranted," "land regranted," "granted," "grantee," and "consideration in money."

(6) The regrant shall be made to the tenant for life of full age or statutory owner, and shall be deemed a vesting deed, and the statements and particulars required in the case of vesting deeds shall be inserted therein.

(7) In the application of section thirteen of the Settled Land Act, 1882 (as extended), to land granted in fee simple, the words "whether the grant was made under the Acts or not" shall be substituted for the words "whether made under this Act or not" in subsection (1) of that section, and the words "the Acts" shall be substituted for the words "this Act" in subsection (6) of that section.

(8) This section shall apply to the sale of glebe land under any statutory provision authorising the sale thereof as if the incumbent were a person having the powers of a tenant for life and the glebe land were settled land, and with such other modifications as may be necessary, and in particular with this modification that in the case of a terminable rent so much thereof as does not represent principal shall be treated as purchase money arising from the sale of the land and be payable accordingly:

Provided that nothing in this subsection shall affect the necessity of obtaining any consent which is required under the statutory provision authorising the sale.

Power to grant options.

44.—(1) A tenant for life may at any time, either with or without consideration, grant by writing an option to purchase or take a lease of the settled land, or any part thereof, or any easement, right, or privilege over or in relation to the same at a price or rent fixed at the time of the granting of the option.

(2) Every such option shall be made exercisable within an agreed number of years not exceeding ten.

(3) The price or rent shall be the best which, having regard to all the circumstances, can reasonably be obtained, and may be either a specified sum of money or rent, or at a specified rate according to the superficial area of the land with respect to which the option is exercised, or the frontage thereof to any road, or (in the case of an option to purchase contained in a lease or agreement for a lease) may be a stated number of years' purchase of the highest rent reserved by the lease or agreement, or, if the option is exercisable as regards part of the land comprised in the lease or agreement, of a proportionate part of such highest rent; and any aggregate price or rent may be made to be apportionable in any manner, or according to any system, or by reference to arbitration.

(4) An option to take a mining lease may be coupled with the grant of a licence to search for and prove any mines or minerals under the settled land, or any part thereof, pending the exercise of the option.

(5) The consideration for the grant of the option shall be capital money arising under the Acts.

(6) The provisions of subsections (2), (3) and (4) of section thirty-one of the Settled Land Act, 1882, shall

apply to every contract arising by reason of the exercise of the option.

(7) The Settled Land Act, 1889, is hereby repealed. 52 & 53 Vict. c. 36.

Power to compromise claims and release restrictions, &c., and to vary leases and grants, and apportion rents.

45.—(1) A tenant for life may, with the consent in writing of the trustees of the settlement, either with or without giving or taking any consideration in money or otherwise, compromise, compound, abandon, submit to arbitration, or otherwise settle any claim, dispute, or question whatsoever relating to the settled land, or any part thereof, including in particular claims, disputes, or questions as to boundaries, the ownership of mines and minerals, rights and powers of working mines and minerals, manorial and seignorial rights generally, local laws and customs relative to the working of mines and minerals and other matters, easements, and restrictive covenants, and for any of those purposes may enter into, give, execute, and do such agreements, assurances, releases, and other things as the tenant for life may with such consent as aforesaid think proper.

(2) A tenant for life may, with the consent in writing of the trustees of the settlement, at any time, by deed or writing, either with or without consideration in money or otherwise, release, waive, or modify, or agree to release, waive, or modify any covenant or restriction imposed on any other land for the benefit of the settled land, or any part thereof, or release, or agree to release, any other land from any easement, right or privilege, including a right of pre-emption, affecting the same for the benefit of the settled land, or any part thereof.

(3) A tenant for life may, at any time, by deed, either with or without consideration in money or otherwise, vary, release, waive or modify, either absolutely or otherwise, the terms of any lease of the settled land or any part thereof, or any covenants or conditions contained in any grant in fee simple whenever made of land with or subject to a reservation thereout of a rent which is or forms part of the settled land, and in either case in respect of the whole or any part of the land comprised in any such lease or grant, but so that every such lease or grant shall, after such variation, release, waiver or modification as aforesaid, be such a lease or grant as might then have been lawfully made under the Acts if

the lease had been surrendered, or the land comprised in the grant had never been so comprised, or had been regranted under section thirteen of the Act of 1882 as extended by this Act.

(4) A tenant for life may, at any time, by deed, either with or without consideration in money or otherwise, agree for the apportionment of any rent reserved or created by any such lease or grant as aforesaid, or any rent being or forming part of the settled land, so that the apportioned parts of such rent shall thenceforth be payable exclusively out of or in respect of such respective portions of the land subject thereto as may be thought proper, and also agree that any covenants, powers, or remedies for securing such rent and any other covenants by the lessee or grantee and any conditions shall also be apportioned and made applicable exclusively to the respective portions of the land out of or in respect of which the apportioned parts of such rent shall thenceforth be payable.

(5) Where the settled land, or any part thereof, is held or derived under a lease, or under a grant reserving rent, or subject to covenants or conditions (whether such lease or grant comprises other land or not), the tenant for life may, at any time, by deed, with or without giving or taking any consideration in money or otherwise, procure the variation, release, waiver, or modification, either absolutely or otherwise, of the terms, covenants, or conditions contained in such lease or grant, in respect of the whole or any part of the settled land comprised therein, including the apportionment of any rent, covenants, conditions, and provisions reserved or created by, or contained in such lease or grant.

(6) Subsections (3), (4), and (5) of this section apply to leases or grants made either before or after the commencement of this Act.

(7) A tenant for life may contract that a transaction effected before or after the commencement of this Act, which (subject or not to any variation authorised by this subsection) is affected by section seventy-eight of the Railway Clauses Consolidation Act, 1845, or by section twenty-two of the Waterworks Clauses Act, 1847 (relating to support by minerals) shall take effect as if some other

distance than forty yards or the prescribed distance had been mentioned in such sections or had been otherwise prescribed.

(8) All money (not being rent) payable by the tenant for life in respect of any transaction to which this section relates shall be paid out of capital money arising under the Acts, and all money (not being rent) received on the exercise by the tenant for life of the powers conferred by this section, or of the powers conferred by section thirteen (as extended by this Act) and clauses (iii) and (iv) of subsection (1) of section thirty-one of the Settled Land Act, 1882, shall, unless the court (upon an application made within six months after the receipt thereof or within such further time as the court shall in special circumstances allow) otherwise directs, be capital money arising under the Acts.

(9) In this section "consideration in money or otherwise" means—

(*a*) A capital sum of money or a rent;

(*b*) Land being freehold or leasehold for any term of years whereof not less than sixty years shall be unexpired;

(*c*) Any easement, right or privilege over or in relation to the settled land, or any part thereof, or any other land;

(*d*) The benefit of any restrictive covenant or condition; and

(*e*) The release of the settled land, or any part thereof, or any other land, from any easement, right or privilege, including a right of pre-emption or from the burden of any restrictive covenant or condition affecting the same.

General power for the tenant for life to effect any transaction under an order of the court.

46.—(1) Any transaction affecting or concerning the settled land, or any part thereof, or any other land, not otherwise authorised by the Acts, or by the settlement, which in the opinion of the court would be for the benefit of the settled land, or any part thereof, or the persons interested under the settlement, may, under an order of the court, be effected by a tenant for life; provided that the transaction could have been validly effected by an absolute owner.

(2) In this section "transaction" includes any sale, extinguishment of manorial incidents, exchange, assurance, grant, lease, surrender, reconveyance, release, reservation, or other disposition, and any purchase or other acquisition, and any covenant, contract or option, and any application of capital money (except as hereinafter mentioned), and any compromise or other dealing, or arrangement; but does not include an application of capital money in payment for any improvement not authorised by the Acts, or by the settlement; and "effected" has the meaning appropriate to a particular transaction; and the references to land extend and apply to mines and minerals, and to easements, rights, privileges, restrictions, and burdens over, or in relation to, or affecting, land.

(3) If a question arises or a doubt is entertained as to the intended exercise by the tenant for life of any power conferred by the Acts or the settlement, the tenant for life or any other person interested, or the trustees of the settlement may apply to the court for its decision, opinion, advice or directions thereon, or for the sanction of the court to any conditional contract for such exercise, and the court may make such order as it thinks fit.

61 & 62 Vict. c. 55.

(4) Section one of the Universities and College Estates Act, 1898, shall have effect as if the powers conferred by this and the last five preceding sections had been conferred by the Settled Land Act, 1882, and this and the last five preceding sections had been mentioned in Part I. of the First Schedule to the first-mentioned Act.

Extension of section 20 of the Act of 1882.

47.—(1) Section twenty of the Settled Land Act, 1882, is hereby extended to any disposition authorised under the Acts.

(2) Clauses (i), (ii), and (iii) of subsection (2) of section twenty aforesaid shall not extend to equitable interests or powers which under Part I. of this Act are protected by a settlement.

As to duration of settlements.

48.—(1) Land which has been subject to a settlement shall be deemed for the purposes of the Acts to remain and be settled land, and the settlement shall be

deemed to be a subsisting settlement for the purposes of the Acts, so long as any limitation, charge, or power of charging under the settlement subsists, or is capable of being exercised, or, where under Part I. of this Act any equitable interest or power takes effect as if limited by or arising under that settlement, so long as any such equitable interest or power subsists, or is capable of being exercised, or so long as a person who, if of full age, would be entitled as beneficial owner to have that land vested in him for a legal estate is an infant.

(2) Subsection (4) of section two of the Settled Land Act, 1882, is hereby repealed.

(3) Where, by a disentailing assurance, settled land is expressed to be limited (subject or not to any estates, interests, charges or powers thereby expressly created or conferred) to or upon the uses or trusts subsisting with respect thereto immediately before the execution of such disentailing assurance, or any of such uses or trusts, then, for the purposes of the Acts or otherwise, a person entitled to any estate or interest in the settled land under any such previously subsisting use or trust shall be and be deemed always to have been entitled thereto after the execution of such disentailing assurance as of his former estate or interest.

(4) Where, by a resettlement of settled land, any estate or interest therein is expressed to be limited to any person (subject or not to any estate, interest, charge or power expressly created or conferred by the resettlement) in restoration or confirmation of his estate or interest under a prior settlement, then, for the purposes of the Acts or otherwise, such person shall be and be deemed always to have been entitled to the estate or interest so restored or confirmed as of his former estate or interest; and in addition to the powers exercisable by him in respect of such former estate or interest, he shall be capable and be deemed always to have been capable of exercising the powers conferred by the Acts and the powers (if any) by way of extension and enlargement of the same powers conferred by the resettlement, and any other powers thereby conferred, in the same manner as if his estate or interest under the prior settlement had not been so restored or confirmed, but was an estate or interest subsisting under the resettlement only.

As to trustees of settlements created by more than one instrument.

49.—(1) Persons who are for the time being trustees for the purposes of the Settled Land Act, 1882, of an instrument which is a settlement, or is deemed to be a subsisting settlement for the purposes of the Acts, shall be the trustees for the purposes of the Acts of the settlement consisting of that instrument and instruments subsequent in date or operation, or any of them.

(2) This section applies to instruments coming into operation before as well as after the commencement of this Act, but is to have effect without prejudice to any appointment previously made by the court of trustees of a settlement consisting of more than one instrument, and to the power of the court in any case hereafter to make any such appointment; and where any such appointment has been or shall be made this section shall not apply or shall cease to apply to the settlement consisting of the instruments to which the appointment relates.

As to trustees of referential settlements.

50.—(1) Where a settlement takes or has taken effect by reference to another settlement, the trustees for the time being of the settlement to which reference is made shall be and be deemed to have always been the trustees of the settlement by reference, but this section shall not apply if the settlement by reference contains an appointment of trustees thereof for the purposes of the Acts or any of them.

(2) This section applies to instruments coming into operation before as well as after the commencement of this Act, but is to have effect without prejudice to any appointment previously made by the court of trustees of a settlement by reference, or of the compound settlement consisting of a settlement and any other settlement or settlements made by reference thereto, and to the power of the court in any case hereafter to make any such appointment, and where any such appointment has been or shall be made this section shall not apply or shall cease to apply.

(3) In this section "a settlement by reference to another settlement" means a settlement of land or capital money upon the limitations and subject to the powers and provisions of an existing settlement, with or without variation.

As to who are trustees for the

51.—(1) The persons described in clause (i) of section sixteen of the Settled Land Act, 1890, shall, in

the circumstances therein mentioned, be trustees for the purposes of the Acts, whether the settled land is to be sold or otherwise dealt with, and accordingly in that clause the words "or otherwise dealt with" shall be inserted after the word "sold."

purposes of the Acts, and as to additional powers to appoint trustees.

(2) In clause (ii) of section sixteen aforesaid the words "settled land" are hereby substituted for the words "land to be sold."

(3) Where any persons have been appointed trustees of a settlement, whether by an order of the court or otherwise, or have by reason of any power of sale, or trust for sale or by reason of a power of consent to, or approval of, the exercise of a power or trust for sale, or by virtue of this Act, or otherwise at any time become trustees of a settlement for the purposes of the Acts, then those persons or their successors in office shall remain and be trustees of the settlement as long as that settlement is subsisting or deemed to be subsisting for the purposes of the Acts. In this subsection the expression "successors in office" means the persons who, by appointment or otherwise, have become trustees for the purposes aforesaid.

(4) Where settled land is or has been expressed to be disposed of under a compound settlement of which trustees were appointed by the court, and the capital money (if any) arising on the disposition is or was paid to the persons who, by virtue of the order or any subsequent appointment, appear to be or to have been the trustees of that settlement; and where the person by or on whose behalf the disposition is or was made is or was the tenant for life of the land disposed of under an instrument mentioned in the order as constituting part of such compound settlement (in this subsection called "the principal instrument") then the title of the person to whom the disposition is made shall not be impeachable on the ground that—

(*a*) the instruments mentioned in the order did not constitute a compound settlement, or

(*b*) those instruments were not all the instruments at the date of the order or of the disposition, constituting the compound settlement, of the land disposed of, or

(*c*) any of the instruments mentioned in the order did not form part of the settlement of the land disposed of, or had ceased to form part of the settlement at the date of the disposition;

but nothing in this subsection shall prejudice the rights of any person in respect of any estate, interest or charge under any instrument existing at the date of the order and not mentioned therein, which would not have been overreached if the disposition had been made by or on behalf of the tenant for life under the principal instrument as such, and there had been trustees of that instrument for the purposes of the Acts, and the capital money (if any) arising on the disposition had been paid to such trustees.

(5) The foregoing provisions of this section shall operate to confirm all dispositions made before the commencement of this Act, but not so as to render invalid or prejudice any order of the court, or any title or right acquired before the commencement of this Act, and shall operate without prejudice to any appointment already made by the court of trustees of a settlement, and to the power of the court in any case hereafter to make any such appointment.

(6) Where at the commencement of this Act any persons appointed under section sixty of the Settled Land Act, 1882, have power to act generally or for any specific purpose on behalf of an infant, then those persons shall, by virtue of this Act, become and be the trustees of the settlement.

(7) Where a settlement is created by will, or a settlement has arisen by the effect of an intestacy, and apart from this subsection there would be no trustees for the purposes of the Acts of such settlement, then and in either of such cases the personal representatives of the deceased shall, until other trustees are appointed, be by virtue of this Act the trustees of the settlement; but where there is a sole personal representative (not being a trust corporation) it shall be obligatory on him, and he shall have power to appoint an additional trustee to act with him for the purposes of the Acts, and the provisions of the Trustee Act, 1893, as amended by any subsequent enactment, shall apply accordingly.

(8) Where at the commencement of this Act there is an infant who (by virtue of this Act or otherwise) is, or is deemed a tenant for life, or would if he were of full age have the powers of a tenant for life, and there are no trustees of the settlement (whether by virtue of the foregoing provisions of this Act or otherwise), then, if there is no other person able and willing to appoint trustees, the father or mother or testamentary or other guardian of the infant if respectively able and willing shall (in the order named) have power by deed to appoint new trustees of the settlement in the place of any former trustee, or, where no former trustee has been appointed, to appoint trustees of the settlement in like manner as if a trustee had been appointed and had refused to act in the trust, and the provisions of the Trustee Act, 1893 (as amended by any subsequent enactment), shall apply as if the persons aforesaid (in the order named) had been nominated by the instrument creating the settlement for the purpose of appointing new trustees thereof:

Provided that in favour of a purchaser a statement in the deed of appointment that the father or mother or both are dead or are unable or unwilling to make the appointment shall be conclusive evidence of the fact stated.

(9) The last paragraph of section sixty of the Settled Land Act, 1882, commencing with the words "and if there are none" is hereby repealed.

(10) Where the Public Trustee or any other trust corporation is the sole trustee of a settlement, the corporation shall, notwithstanding anything to the contrary contained in sections thirty-nine and forty-five of the Settled Land Act, 1882, or the settlement, have power and be deemed always to have had power to give receipts, accept notices, and otherwise act alone as trustee of the settlement for all the purposes of the Acts.

As to base fees.

52.—(1) It shall be deemed always to have been sufficient to enable the fee simple to be disposed of or dealt with under the Acts by the owner of a base fee or fee determinable, whether by limitation or condition, or the tenant for life thereof, if there were at the time of the transaction, trustees for the purposes of the Acts or any of them, of the settlement, consisting

of the instrument whereby the estate tail or determinable fee was created, and the capital money (if any) arising on such disposition or dealing was paid to such trustees or into court.

(2) In this section "base fee" has the same meaning as in the Fines and Recoveries Act, 1833.

3 & 4 Will. 4. c. 74.

Absolute owners, subject to certain interests, to have the powers of a tenant for life, and as to infants.

53.—(1) Where a person of full age is beneficially seised or entitled in possession of or to a legal estate subject to any estates, interests, charges, or powers of charging subsisting or capable of being exercised under a settlement, he shall have the powers of a tenant for life under that settlement, and section fifty-eight of the Settled Land Act, 1882, shall apply accordingly.

(2) Where a person of full age is beneficially seised or entitled in possession of or to a legal estate subject to any equitable interests or powers which by Part I. of this Act would have been protected if that legal estate had been subject to a settlement at the time when the equitable interests or powers were created or arose, then, for the purpose of overreaching such interests or powers, he may, notwithstanding any stipulation to the contrary, by deed, which shall have effect as a vesting deed, declare that the legal estate is vested in him on trust to give effect to all equitable interests and powers affecting the same, and appoint two or more individuals (approved either by the persons in whom the equitable interests or powers are vested or by the court) or a trust corporation to be trustees of such deed for the purposes of the Acts, and thereupon the following provisions shall have effect:—

(*a*) He shall have the powers of a tenant for life and the land shall be deemed settled land;

(*b*) The instrument (if any) under which his estate arises or is acquired, and the instrument (if any) under which the equitable interests or powers are subsisting or capable of taking effect shall be deemed to be the trust deed; provided that where there is no such instrument as last aforesaid then a deed (which shall take effect as a trust deed) shall be executed contemporaneously with the vesting deed, and shall declare the trusts affecting the land;

(*c*) The trustees for the time being of the vesting deed for the purposes of the Acts shall also be the trustees for the like purposes of the trust deed; and

(*d*) Capital money arising on any disposition of the land shall be paid to or by the direction of the trustees of the vesting deed or into court, and shall be applicable towards discharging or providing for payment in due order of any principal money payable in respect of such interests or charges as are overreached by such disposition, and until so applied shall be invested or applied as capital money under the trust deed; and the income thereof shall be applied as the income of such capital money, and be liable for keeping down in due order any annual or periodical sum which may be overreached as aforesaid.

(3) Sections fifty-nine and sixty of the Settled Land Act, 1882 (as extended by this section), shall apply and be deemed always to have applied, although the infant may be a married woman, and shall have effect subject to the provisions of Part I. of this Act requiring the settled land during a minority to be vested in the statutory owner unless retained by a personal representative; and section fifty-nine aforesaid shall extend and be deemed always to have extended to any leasehold interest whether at a rent or not, and section forty-one of the Conveyancing Act, 1881, is hereby repealed. 44 & 45 Vict c. 41.

(4) Where an infant will become beneficially entitled to land in possession on his attaining full age, and at any time during the minority there is no person having the powers of a tenant for life thereof, then for the purposes of the Acts the land is settled land and the infant shall be deemed tenant for life thereof, and the interest of any person (other than the infant) in the rents and profits during the minority shall be deemed to be an interest created by the settlement which is capable of being overreached under the Acts.

(5) The instrument (if any) under which the estate or interest of an infant, who is deemed a tenant for life of settled land, arises or is acquired shall be deemed to be the settlement; but where, by reason of an intestacy or otherwise, there is no such instrument then

a settlement shall be deemed to have been made by the intestate or other person through whom the infant derives title.

(6) The court may, where necessary or expedient, appoint trustees of any instrument or instruments which under the Acts is or are to be deemed or which together constitute the settlement, or of a settlement which is deemed to be subsisting, or of a settlement deemed to have been made by any person, and the provisions of section thirty-eight of the Settled Land Act, 1882, shall apply accordingly.

Exercise of powers of tenant for life by married woman restrained from anticipation.

54.—(1) Where a married woman (not being a tenant for life) entitled in possession is restrained from anticipation in respect of land which, if she were not so restrained, could be disposed of by her without her husband, then she, without her husband, shall have the powers of a tenant for life, and subsections (4) and (5) of section sixty-one of the Settled Land Act, 1882, shall apply accordingly.

(2) The instrument creating the restraint on anticipation shall be deemed the settlement, or one of the instruments constituting the settlement, as the case may require; and the married woman, if and when there are duly constituted trustees of the settlement, may execute the requisite vesting deed.

Amendment of section 58 of the Act of 1882.

55.—(1) For clause (ii) of subsection (1) of section fifty-eight of the Settled Land Act, 1882, shall be substituted the following clause, namely:—

"A person entitled to land for an estate in fee simple or for a term of years absolute (whether at a rent or not) with or subject to, in any of such cases, an executory limitation, gift, or disposition over on failure of his issue or in any other event."

(2) In clause (ix) of the said subsection the expression "trust" includes and shall be deemed always to have included an implied or constructive trust, and the expression "forfeiture" includes and shall be deemed always to have included cesser or determination by any means; and in the same clause the words "or to a trust for accumulation of income for any purpose" shall be inserted and be deemed always to have been inserted after the words "expenses of management."

(3) This section shall not render invalid or prejudice any title or right acquired before the commencement of this Act.

Powers of trustees when there is no tenant for life.

56.—(1) Where under a settlement coming into operation either before or after the commencement of this Act, there is no tenant for life nor (except as enacted by subsection (2) of this section) a person having the powers of a tenant for life by virtue of the Acts, but such powers, including any additional powers, are by the settlement expressed to be conferred on the trustees thereof or on any other person of full age, then such powers shall operate and be exercisable in like manner, and with all the like incidents, effects and consequences, as if the same had been conferred by the Acts.

(2) Where there is no tenant for life of full age nor a person of full age who by virtue of the settlement or of the Acts (apart from this subsection) has the powers of a tenant for life, then (without prejudice to the powers of a personal representative in whom the settled land may be vested) the trustees of the settlement shall have the powers of a tenant for life in regard to the settled land and capital money.

(3) Subsection (2) of this section applies to settlements coming into operation before as well as after the commencement of this Act; and applies to trustees of settlements of land purchased with money provided by Parliament in consideration of public services where the tenant in tail is restrained from barring or defeating his estate tail, save that, if such tenant in tail is of full age and capacity, the powers shall not be exercised without his consent, but a purchaser shall not be concerned to see or inquire whether such consent has been given.

Provisions as to different estates settled upon the same limitations.

57.—(1) Where estates are settled by different settlements upon the same limitations, whether by reference or otherwise, the following provisions shall have effect:—

(i) The estates or any two or more of them, as the case may require, may be treated as one aggregate estate, in which case the aggregate estate shall be the settled land for all the purposes of the Acts:

(ii) Where the trustees for the purposes of the Acts of the two or several settlements are the same persons they shall be the trustees of the settlement of the aggregate estate for all the purposes

of the Acts, and all or any part of the capital money arising from one of the estates may be applied by the direction of the tenant for life as if the same had arisen from any other of the estates:

(iii) Where the trustees for the purposes of the Acts of the two or several settlements are not the same persons—

(*a*) any notice required to be given by the Acts to the trustees of the settlement and to the solicitor of such trustees shall be given to the trustees of every settlement which comprises any part of the land to which such notice relates and to the solicitor of such trustees;

(*b*) any capital money arising on any sale, exchange, lease, mortgage, charge, or other disposition of land comprised in more than one settlement, shall be apportioned between the trustees of any two or more of the settlements in such manner as the tenant for life may think fit;

(*c*) all or any part of the capital money arising from the land comprised in one of the settlements may be paid by the trustees of that settlement, by such direction as aforesaid, to the trustees of any of the other settlements, to be applied by such last-mentioned trustees as if the same had arisen from land comprised in such other settlement:

(iv) For the purposes of this subsection, money liable to be laid out in the purchase of land to be settled upon the same limitations as other land may be applied and dealt with in like manner in all respects as if land had been purchased and settled, and the money were capital money arising therefrom.

(2) Estates shall be deemed to be settled upon the same limitations, notwithstanding that any of them may be subject to incumbrances, charges, or powers of charging to which the other or others of them may not be subject: Provided that, in any such case as last aforesaid, the powers of this section relating to the payment or application of capital money shall not (unless

the settlement under which the capital money is held otherwise provides) be exercisable without an order of the court.

(3) This section applies to settlements coming into operation before as well as after the commencement of this Act.

(4) This section is to have effect without prejudice to any appointment previously made by the court of trustees of the settlement of an aggregate estate, and to the power of the court in any case hereafter to make any such appointment, and where any such appointment has been or shall be made, this section shall have effect as if the trustees so appointed and their successors in office were the trustees for the purposes of the Acts of each of the settlements constituting the settlement of the aggregate estate, and there were no other trustees thereof for the purposes of the Acts.

(5) In this section "estate" means the land, capital money, and securities representing capital money for the time being subject to a particular settlement.

Provision enabling dealings with tenant for life.

58.—(1) (*a*) A sale, grant, lease, mortgage, charge or other disposition of settled land, or of any easement, right, or privilege over the same may be made to the tenant for life; or

(*b*) Capital money may be advanced on mortgage to him; or

(*c*) A purchase may be made from him of land to be made subject to the limitations of the settlement; or

(*d*) An exchange may be made with him of settled land for other land; and

(*e*) Any such disposition, advance, purchase, or exchange as aforesaid may be made to, from, or with any body of persons of whom the tenant for life is one;

And in every such case the trustees of the settlement shall, in addition to their powers as trustees, have all the powers of a tenant for life in reference to negotiating and completing the transaction, and shall have power to enforce any covenants by the tenant for life, or, where the tenant for life is himself one of the trustees, then the other or others of them shall have such power, and the said powers of a tenant for life may be exercised by the trustees of the settlement in the name and on behalf of a tenant for life of full age.

(2) This section shall apply, notwithstanding that the tenant for life is one of the trustees of the settlement, or that an order has been made authorising the trustees to act on his behalf, or that he may be an infant, or a lunatic whether so found or not, or a defective, but shall not apply to dealings with any body of persons which includes a trustee of the settlement (not being the tenant for life) unless the transaction is either previously or subsequently approved by the court.

(3) Section twelve of the Settled Land Act, 1890, is hereby repealed.

Power to charge by way of additional or substituted security.

59.—(1) Where an incumbrance affects any part of the settled land, the tenant for life shall have power and be deemed always to have had power, with the consent of the incumbrancer, to vary the rate of interest charged and any of the other provisions of the instrument (if any) creating the incumbrance, and with the like consent (but only after the commencement of this Act) to charge that incumbrance on any part of the settled land, whether already charged therewith or not, by way of additional or substituted security, and to raise the money properly required for payment of the costs of the transaction on mortgage of the settled land or of any part thereof, and by creation of a term of years absolute in the settled land, or by charge by way of legal mortgage, to make provision accordingly.

(2) Incumbrance in subsection (1) of this section includes any annual sum payable during a life or lives or during a term of years absolute or determinable, but in any such case the additional or substituted security shall be effected so as only to create a charge or security similar to the original charge or security.

(3) Section five of the Settled Land Act, 1882, shall be deemed always to have authorised a charge on all or any part of the capital money or securities representing capital money subject to the trusts of the settlement; and after the words "on any other part of the settled land" in that section the words "or on all or any part " of the capital money or securities representing capital " money arising from the transaction or otherwise subject " to the settlement" are hereby inserted.

(4) Incumbrance in section five of the Settled Land Act, 1882, includes, and shall be deemed always to have

included, any incumbrance, whether capable of being overreached on the exercise by the tenant for life of the powers conferred by the Acts, or not.

(5) Where under the Acts power is given to raise money for any purpose, the power shall include, and be deemed always to have included, power to raise the money properly required for the payment of the costs of the transaction.

(6) Section five of the Settled Land Act, 1882, shall, after the commencement of this Act, apply so as to enable any part of the settled land to be exonerated from an incumbrance affecting the same and any other part of the settled land to be charged therewith, whether the part exonerated is to be sold or exchanged or not.

Dedication for streets, open spaces, &c.

60.—(1) The power to appropriate and lay out part of the settled land for streets and other purposes conferred by section sixteen of the Settled Land Act, 1882, may be exercised after as well as on or in connexion with a sale or grant for building purposes, or a building lease, or the development of the settled land, or any part thereof, as a building estate, or at any other reasonable time, and accordingly that section shall have effect, and shall be deemed always to have had effect, as if the words "after or" were inserted after the words "On or," and the words "or the development of the settled land, or "any part thereof, as a building estate, or at any other "reasonable time" were inserted after the words "building lease," and in regard to the dedication of land for public purposes a tenant for life shall be in the same position as if he were an absolute owner.

(2) A tenant for life shall have power, and be deemed always to have had power—

(*a*) to enter into any agreement for the recompense to be made for any part of the settled land which is required for the widening of a highway under section eighty-two of the Highway Act, 1835, or otherwise; and 5 & 6 Will. 4. c. 50.

(*b*) to consent to the diversion of any highway over the settled land under section eighty-five of that Act or otherwise.

And any agreement or consent so made or given shall be as valid and effectual, for all purposes, as if made or given by an absolute owner of the settled land, provided

that any money received in respect of such agreement or consent shall be capital money arising under the Acts.

61 & 62 Vict. c. 55.

(3) Section one of the Universities and College Estates Act, 1898, shall have effect as if the powers conferred by this section had been conferred by the Settled Land Act, 1882, and this section had been mentioned in Part I. of the First Schedule to the first-mentioned Act.

Trustees for management of settled land during minority.

61.—(1) The trustees of a settlement for the purposes of the Acts shall, unless the settlement or the order of the court, whereby they or their predecessors in office were appointed to be such trustees, expressly provides to the contrary, also be trustees of the settlement for the purposes of section forty-two of the Conveyancing Act, 1881.

(2) This section shall have effect subject to any express appointment by the settlement or the court of trustees for the purposes of section forty-two aforesaid.

Extension of section 42 of the Act of 1882.

62.—(1) Where the tenant for life directs capital money to be invested on any authorised security or investment, the trustees of the settlement shall not be liable for the acts of any agent employed by the tenant for life in connexion with the transaction, or for not employing a separate agent in or about the valuation of the security or the investigation of the title thereto, or for the form of the security or of any deed conveying the same to the trustees.

(2) The trustees of the settlement shall not be liable for paying or applying any capital money by the direction of the tenant for life for any authorised purpose.

(3) The trustees of the settlement shall not be liable in any way on account of the documents of title (other than securities for capital money) relating to the settled land, including any vesting instrument and any appointment of new trustees thereof, being placed in the possession of the tenant for life of full age :

Provided that where, if the settlement were not disclosed, it would appear that the tenant for life had a general power of appointment over, or was absolutely and beneficially entitled to the settled land, the trustees of the settlement shall, before they deliver the documents to him, require that notice of the subsisting vesting instrument be written on one of the documents under

which the tenant for life acquired his title; and may, if the documents are not in their possession, require such notice to be written as aforesaid, but, in the latter case, they shall not be liable in any way for not requiring the notice to be written.

(4) This section applies to dealings and matters effected before as well as after the commencement of this Act.

As to personal estate settled by reference to capital money, or on trusts corresponding with the limitations of land.

63.—(1) (*a*) Where money or securities or the proceeds of sale of any property is or are by any instrument coming into operation, either before or after the commencement of this Act, directed to be held on trusts declared by reference to capital money arising under the Acts, or any of the Acts, from land settled by that instrument or any other instrument, or to securities representing capital money so arising, the same shall be held on the like trusts as if the same had been or represented money which had actually arisen under the Acts from the settled land; and

(*b*) Where money or securities or the proceeds of sale of any property is or are by any instrument coming into operation after the commencement of this Act directed to be held on trusts corresponding as nearly as may be with the limitations of land settled by that instrument or any other instrument, the same shall be held on the like trusts as if the same had been or represented capital money arising under the Acts from the settled land.

(2) Such money, securities, or proceeds of sale shall be paid or transferred to or retained by the trustees of the settlement for the purposes of the Acts of the settled land, or paid or transferred into court, and invested or applied, accordingly.

(3) Where the settled land includes freehold land, the money, securities, or proceeds of sale aforesaid shall be held on the like trusts as if the same had been or represented capital money arising from the freehold land.

(4) This section shall have effect notwithstanding any direction in the instrument creating the trust that the trust property is not to vest absolutely in any tenant in tail or in tail male or in tail female under the limitations of the settled land who dies under a specified age, or before the happening of a specified event, but, save

as aforesaid, shall have effect with any variations, and subject to any contrary intention expressed in the instrument creating the trust.

Application of capital money.

64.—(1) In addition to the modes authorised by section twenty-one of the Settled Land Act, 1882, capital money shall be deemed always to have been capable of being applied—

(i) In paying any increment value duty which a tenant for life had power to charge on the settled land under section thirty-nine of the Finance (1909–10) Act, 1910, and any reversion duty, and any costs and expenditure incurred by the tenant for life, or the trustees of the settlement, in connexion with any valuation under the said Act, or with the assessment and ascertainment of the amount of any increment value duty which a tenant for life had power to charge as aforesaid, or any reversion duty so as to validate past payments;

10 Edw. 7. c. 8.

(ii) In the purchase, with the leave of the Court, of any leasehold interest where the immediate reversion is settled land, so as (unless the Court otherwise directs) to merge the same in the reversion, and notwithstanding that the leasehold interest may have less than sixty years to run;

(iii) In payment of the costs and expenses of all plans, surveys, and schemes, including schemes under the Town Planning Acts, 1909 and 1919, or any similar Act, made with a view to, or in connexion with the improvement, or development of the settled land, or any part thereof, or the exercise of any statutory powers, and of all negotiations entered into by the tenant for life with a view to the exercise of any of the said powers, notwithstanding that such negotiations may prove abortive;

9 Edw. 7. c. 44. 9 & 10 Geo. 5. c. 35.

(iv) In the purchase or discharge of an annuity charged under section four of the Tithe Act, 1918, on the settled land or any part thereof, or in the discharge of such part of any such annuity as does not represent interest; or

8 & 9 Geo. 5. c. 54.

(v) In payment to a local or other authority in consideration of such authority taking over and

becoming liable to repair a private road on the settled land or a road for the maintenance whereof a tenant for life is liable ratione tenuræ.

(2) In addition to the aforesaid modes, capital money may, after the commencement of this Act, be applied in financing any person who may have agreed to take a lease or grant for building purposes of the settled land, or any part thereof, by making advances to him in the usual manner on the security of an equitable mortgage of his building agreement.

(3) This section applies to settlements coming into operation either before or after the commencement of this Act.

Amendment of section 25 and repeal of section 26 of the Act of 1882; and power to raise money for improvements and for the Court, or the trustees to impose conditions for repayment of money applied for improvements.

65.—(1) Improvements authorised by the Settled Land Act, 1882, shall include the following, namely:—

(i) Residential houses for land or mineral agents, managers, clerks, bailiffs, woodmen, gamekeepers and other persons employed on the settled land, or in connexion with the management or development thereof:

(ii) Any offices, workshops and other buildings of a permanent nature required in connexion with the management or development of the settled land or any part thereof:

(iii) The development of the settled land, or any part thereof as a building estate, and the erection, building, making, and laying out for that purpose of dwelling houses, shops, buildings for religious, educational, literary, scientific, or public purposes, market places, market houses, places of amusement and entertainment, parks, squares, gardens, grounds for recreation, exercise, or games, or other open spaces, roads, streets, paths, sewers, drains, gasworks, electric light or power works, or any other works necessary or proper in connexion with the objects aforesaid:

(iv) Restoration or reconstruction of buildings damaged or destroyed by dry rot:

(v) Structural additions and alterations to buildings reasonably required, whether the buildings are intended to be let or not, or are already let:

(vi) Boring for water and other preliminary works in connexion therewith:

(vii) Subject to provision for the repayment of the capital money expended being made in manner

hereinafter provided, heating, hydraulic or electric power apparatus for buildings, and engines, pumps, lifts, rams, boilers, flues, and other works required or used in connexion therewith:

(viii) Subject to provision for the repayment of the capital money expended being made in manner hereinafter provided, engine houses, engines, gasometers, dynamos, accumulators, cables, pipes, wiring, switchboards, plant and other works required for the installation of electric, gas, or other artificial light, in connexion with any principal mansion house, or other house or buildings; but shall not include electric lamps, gas fittings, or decorative fittings required in any such house or building:

(ix) Subject to provision for the repayment of the capital money expended being made in manner hereafter provided, steam rollers, traction engines, motor lorries and moveable machinery for farming or other purposes.

(2) Where money is required for the purpose of paying for any improvement authorised by the Acts, or by the settlement, the tenant for life may raise the money so required and the costs of raising the same in the manner provided by section eleven of the Settled Land Act, 1890 (as amended), in regard to money thereby authorised to be raised, and the money raised under this subsection shall be capital money for the purpose aforesaid, and may be paid or applied accordingly.

(3) Capital money arising under the Acts may be applied in or towards payment for any improvement authorised by the Acts or by the settlement, without any scheme for the execution of the improvement being first submitted for approval to, or approved by, the trustees of the settlement or the court.

(4) Where the capital money to be expended is in the hands of the trustees of the settlement, they may apply that money in or towards payment for the whole or any part of any work or operation comprised in the improvement, on—

(i) A certificate to be made by a competent engineer or able practical surveyor employed independently of the tenant for life, certifying that the work or operation comprised in the improvement, or some specific part thereof, has been properly executed, and what amount is properly payable in respect

thereof, which certificate shall be conclusive in favour of the trustees as an authority and discharge for any payment made by them in pursuance thereof; or

(ii) An order of the Court directing or authorising the trustees so to apply a specified portion of the capital money:

Provided that, in the case of improvements not authorised by the Settled Land Acts, 1882 and 1890, or by the settlement, the trustees shall be entitled, if they shall think fit, before they make any such application of capital money to require that that money, or any part thereof, shall be repaid to them, out of the income of the settled land by not more than fifty half-yearly instalments, the first of such instalments to be paid or to be deemed to have become payable at the expiration of six months from the date when the work or operation, in payment for which the money is to be applied, was completed.

(5) The tenant for life is by this section authorised to create out of the settled land, or any part thereof, a yearly rentcharge in favour of the trustees of the settlement sufficient in amount to discharge the said half-yearly instalments.

(6) Where the capital money to be expended is in Court, the court may, if it thinks fit, on a report or certificate of the Minister, or of a competent engineer or able practical surveyor approved by the court, or on such other evidence as the court shall think sufficient, make such order and give such directions as it thinks fit for the application of the money, or any part thereof, in or towards payment for the whole or any part of any work or operation comprised in the improvement.

(7) Where the court authorises capital money to be applied in payment for any improvement or intended improvement not authorised by the Settled Land Acts, 1882 and 1890, or by the settlement, the court may, as a condition of making the order, require that the capital money or any part thereof shall be repaid to the trustees of the settlement out of the income of the settled land by a fixed number of periodical instalments to be paid at

the times appointed by the court, and may require that any incumbrancer of the life estate shall be served with notice of the proceedings.

(8) Where any such order is made, the settled land shall stand charged with the payment to the trustees of the settlement of a yearly rentcharge sufficient in amount to discharge the periodical instalments, and the rentcharge shall accrue from day to day, and be payable at the times appointed for payment of the periodical instalments, and shall have effect as if limited by the settlement prior to the estate of the tenant for life, and the trustees of the settlement shall have all statutory and other powers for recovery thereof.

(9) A rentcharge created by or under this section shall not be redeemed out of capital money, but may be overreached in like manner as if the same were limited by the settlement, and shall cease if and when the land affected by the improvement ceases to be settled or is sold or exchanged, but if part of the land affected remains subject to the settlement the rentcharge shall remain in force in regard to the settled land.

(10) All money received by the trustees of the settlement in respect of any instalments under this section shall be held by them as capital money arising from freehold land under the settlement, unless the court otherwise directs.

(11) Section twenty-six of the Settled Land Act, 1882, is hereby repealed.

(12) The improvements authorised by this section shall, for the purposes of the Universities and College Estates Act, 1898, be deemed to be inserted in the Third Schedule to that Act.

61 & 62 Vict. c. 55.

As to money received by way of damages for breach of covenant.

66.—(1) Money (not being rent) received by way of damages or compensation for breach of any covenant by the lessee or grantee contained in any lease or grant of settled land shall, unless in any case the court on the application of the tenant for life or the trustees of the settlement otherwise directs, be deemed to be capital money arising under the Acts, and shall be paid to or retained by the trustees of the settlement, or paid into court, and invested or applied, accordingly.

(2) In addition to the other modes in which capital money may be applied under the Acts or the settlement,

money so received as aforesaid or any part thereof may, if the circumstances permit, be applied at any time within twelve months after such receipt, or such extended period as the court may allow, in or towards payment of the costs of making good in whole or in part the breach of covenant in respect of which it was so received, or the consequences thereof, and the trustees of the settlement, if they think fit, may require any money so received or any part thereof to be so applied.

(3) In the application of any such money in or towards payment of the cost of making good any such breach or the consequences of any such breach as aforesaid, the work required to be done for the purpose shall be deemed to be an improvement authorised by the Settled Land Act, 1882.

(4) This section does not apply to money received by way of damages or compensation for the breach of a covenant to repay to the lessor or grantor money laid out or expended by him, or to any case in which if the money received were applied in making good the breach of covenant or the consequences thereof such application would not enure for the benefit of the settled land, or any buildings thereon.

(5) This section does not apply to money received by way of damages or compensation before the commencement of this Act, but it applies whether the lease or grant was made before or after the commencement of this Act, and whether under the powers conferred by the Acts or not.

(6) The provisions of this section apply only if and as far as a contrary intention is not expressed in the settlement, and shall have effect subject to the terms of the settlement, and to any provisions therein contained, but a contrary intention shall not be expressed merely by words negativing impeachment for waste.

As to capital arising otherwise than under the Acts.

67.—(1) Where before the commencement of this Act any money arising from settled land otherwise than under the Acts, which ought, as between the persons interested in the settled land, to have been treated as capital has been invested, applied, or otherwise dealt with as if it had been capital money arising under the Acts, such investment, application, or other dealing is hereby confirmed.

(2) Any money, which shall so arise after the commencement of this Act, as well as any money or securities in the names or under the control of the tenant for life or the trustees of the settlement, being or representing money which had so arisen before the commencement of this Act, and which ought, as between the persons aforesaid, to be or to have been treated as capital, shall (without prejudice to any other statutory provisions affecting the same) be deemed to be or to represent capital money arising under the Acts, and shall be paid or transferred to or retained by the trustees of the settlement, or paid or transferred into court, and invested or applied accordingly.

Effect of surrender of life estate to the next remainderman.

68.—(1) Where the estate or interest of a tenant for life under the settlement has been or is absolutely assured with intent to extinguish the same, either before or after the commencement of this Act, to the person next entitled in remainder or reversion under the settlement (whether or not any term of years or charge intervenes, or the estate of the remainderman or reversioner is liable to be defeated), then, if and when such remainderman or reversioner would, if the tenant for life were dead, be or have the powers of a tenant for life under the Acts, the statutory powers of the tenant for life under the Acts shall, in reference to the property affected by the assurance, and notwithstanding section fifty of the Settled Land Act, 1882, cease to be exercisable by him, and the statutory powers shall thenceforth become exercisable as if he were dead, but without prejudice to any incumbrance affecting the estate or interest assured, and to the rights to which any incumbrancer would have been entitled under section fifty aforesaid (as amended by this Act), if those powers had remained exercisable by the tenant for life.

(2) Subsection (1) of this section applies whether or not the estate or interest of the tenant for life under the settlement was in possession at the date of the assurance.

(3) Subsection (1) of this section shall not prejudice anything done by the tenant for life before the commencement of this Act, in exercise of any power operating under the Settled Land Acts, 1882 to 1890, or, unless the assurance provides to the contrary, operate to accelerate any such intervening term of years or charge as aforesaid.

(4) In this section "assurance" means any surrender, conveyance, assignment or appointment under a power (whether vested in any person solely, or jointly in two or more persons) which operates in equity to extinguish the estate or interest of the tenant for life, and "assured" has a corresponding meaning.

Amendment of section 50 of the Act of 1882.

69.—(1) Section fifty of the Settled Land Act, 1882, shall apply, and be deemed always to have applied, notwithstanding that the estate or interest of the tenant for life under the settlement was not in possession when the assignment was made or took effect by operation of law.

(2) The expression "assignee for value" in subsection (3) of section fifty of the Settled Land Act, 1882, includes persons deriving title under the original assignee.

(3) An assignee by operation of the law of bankruptcy where the assignment comes into operation after the commencement of this Act, shall be deemed to be an assignee for value within the meaning of subsection (3) of section fifty aforesaid.

(4) Where an assignment for value is made or comes into operation after the commencement of this Act, the consent of the assignee shall not be requisite for the exercise by the tenant for life of any of the powers conferred by the Acts:

Provided that—

(*a*) The assignee shall be entitled to the same or the like estate or interest in or charge on the land money or securities for the time being representing the land money or securities comprised in the assignment, as he had by virtue of the assignment in the last mentioned land, money or securities; and

(*b*) If the assignment so provides, or if it takes effect by operation of the law of bankruptcy, and after notice thereof to the trustees of the settlement, no investment or application of capital money for the time being affected by the assignment shall be made without the consent of the assignee, except an investment in securities authorised by statute for the investment of trust money; and

(*c*) Notice of the intended transaction shall, unless the assignment otherwise provides, be given to the assignee, but a purchaser shall not be concerned to see or enquire whether such notice has been given.

(5) Where the assignment for value is made before the commencement of this Act, a purchaser of the settled land shall not, after such commencement, be concerned to see or enquire whether the consent of the assignee has been obtained; and where any power conferred by the Acts is exercised after the commencement of this Act, the provisions of clauses (*a*), (*b*), and (*c*) of the last subsection shall apply for the benefit of the assignee.

(6) A trustee or personal representative who is an assignee for value shall have power and be deemed always to have had power to consent to the exercise by the tenant for life of his powers under the Acts or to any such investment or application of capital money as aforesaid, and to bind by such consent all persons interested in the trust estate, or the estate of the testator or intestate.

(7) If by the original assignment, or by any subsequent disposition, the estate or interest assigned or created by the original assignment, or any part thereof, or any derivative interest is settled on persons in succession, whether subject to any prior charge or not, and there is no trustee or personal representative in whom the entirety of the estate or interest so settled is vested, then the person for the time being entitled in possession under the limitations of that settlement, whether as trustee or beneficiary, or who would, if of full age, be so entitled, and notwithstanding any charge or incumbrance subsisting or to arise under such settlement, shall have power, and be deemed always to have had power, to consent to the exercise by the tenant for life of his powers under the Acts, or to any such investment or application of capital money as aforesaid, and to bind by such consent all persons interested or to become interested under such settlement.

(8) Where an assignee for value, or any person who has power to consent as aforesaid under this section is an infant, the consent may be given on his behalf by his father or mother or testamentary or other guardian in the order named.

(9) The court shall have power to authorise any person interested under any assignment to consent to the exercise by the tenant for life of his powers under the Acts, or to any such investment or application of capital money as aforesaid, on behalf of himself and all other persons interested, or who may become interested under such assignment.

As to a tenant for life who has parted with his interest.

70.—(1) The following provision shall apply to a tenant for life who has by reason of bankruptcy, assignment, incumbrance, or otherwise ceased in the opinion of the court to have a substantial interest in his estate or interest in the settled land or any part thereof, namely:

If it is shown to the satisfaction of the court that such tenant for life has unreasonably refused to exercise the powers conferred on him by the Acts, or any of such powers, or consents to an order under this section, the court may, upon the application of any person interested in the settled land or the part thereof affected, make an order authorising the trustees of the settlement, to exercise in the name and on behalf of the tenant for life, the powers of a tenant for life under the Acts, or any of such powers, in relation to the settled land or the part thereof affected, either generally and in such manner and for such period as the court may think fit, or in a particular instance.

(2) While any such order is in force, the tenant for life shall not, in relation to the settled land or the part thereof affected, exercise any of the powers thereby authorised to be exercised in his name and on his behalf; but no person dealing with the tenant for life shall be affected by any such order, unless and until the order has been registered and if necessary re-registered as a lis pendens.

(3) An order may be made under this section at any time after the estate or interest of the tenant for life under the settlement has taken effect in possession, and notwithstanding that he disposed of the same when it was an estate or interest in remainder or reversion.

(4) The Settled Estates Act, 1877, is hereby repealed. 40 & 41 Vict. c. 18.

Construction.

71.—(1) This Part of this Act shall be construed with the Settled Land Acts, 1882 to 1890, as one Act and may be cited with those Acts as the Settled Land Acts, 1882 to 1922.

(2) In this Part of this Act the Settled Land Acts, 1882 to 1922, are referred to as "the Acts," and the general definitions contained in Part XI. of this Act, shall where applicable apply to the Acts, and without prejudice to the application of those general definitions, in the Acts, where the context so admits—

"Tenant for life" includes a person who under the Acts is deemed to be, or has the powers of a tenant for life;

"Limitation" includes a trust; and

"Capital money" includes securities therefor.

PART III.

AMENDMENTS OF THE CONVEYANCING ACTS.

Abolition of technicalities in regard to conveyances and deeds.

72.—(1) A conveyance of freehold land to any person without words of limitation, or any equivalent expression, shall pass to the grantee the fee simple or other the whole interest which the grantor had power to convey in such land, unless a contrary intention appears in the conveyance.

(2) A conveyance of freehold land to a corporation sole by his corporate designation without the word "successors" shall pass to the corporation the fee simple or other the whole interest which the grantor had power to convey in such land, unless a contrary intention appears in the conveyance.

(3) A person may convey or vest land to or in himself.

(4) Where after the commencement of this Act an individual executes a deed he shall either sign or place his mark against the same and sealing alone shall not be deemed sufficient.

(5) The foregoing provisions of this section apply only to conveyances and deeds executed after the commencement of this Act.

(6) Two or more persons (whether or not being trustees or personal representatives) may convey, and shall be deemed always to have been capable of conveying, any property vested in them to any one or more of themselves in like manner as they could have conveyed

such property to a third party; provided that if the persons in whose favour the conveyance is made are, by reason of any fiduciary relationship or otherwise, precluded from validly carrying out the transaction, then the conveyance shall be liable to be set aside.

Execution of instruments by or on behalf of corporations, and provisions as to corporations sole.

73.—(1) A corporation aggregate may execute a deed by having their seal affixed thereto in the presence of and attested by their clerk, secretary or other permanent officer or his deputy, and a member of the board of directors, council or other governing body of the corporation; and where the seal of the corporation is affixed to a deed, then, if the requirements of this subsection have been complied with, the deed shall be deemed to have been executed in the presence of the proper persons, and to have taken effect accordingly.

(2) The board of directors, council or other governing body of a corporation aggregate may, by resolution or otherwise, appoint an agent either generally or in any particular case, to execute on behalf of the corporation any agreement or other instrument not under seal in relation to any matter within the powers of the corporation.

(3) Where a person is authorised under a power of attorney or under any statutory or other power to convey any interest in property in the name or on behalf of a corporation sole or aggregate, he may as attorney sign the name of the corporation in the presence of at least one witness, and in the case of a deed affix his own seal, and such execution shall take effect and be valid in like manner as if the corporation had executed the conveyance of the interest in the property.

(4) Where a corporation aggregate is authorised under a power of attorney or under any statutory or other power to convey any interest in property in the name or on behalf of any person (including another corporation), then an officer appointed for that purpose by the board of directors, council or other governing body of the corporation by resolution or otherwise, may execute the deed or other instrument in the name of such person; and where an instrument appears to be executed by an officer so appointed, then, unless the contrary is proved,

the instrument shall be deemed to have been executed by an officer duly authorised.

(5) The foregoing provisions of this section apply only to deeds and instruments executed after the commencement of this Act, and in the case of powers whether the power (if any) was conferred before or after the commencement of this Act or by this Act.

(6) Notwithstanding anything contained in this section, any mode of execution or attestation authorised by law or by practice or by the statute, charter, memorandum or articles, deed of settlement or other instrument constituting the corporation or regulating the affairs thereof, shall (in addition to the modes authorised by this section) be as effectual as if this section had not been passed.

(7) Where either after or before the commencement of this Act any property or any interest therein is or has been vested in a corporation sole, the same shall, unless and until otherwise disposed of by the corporation, pass and devolve to and vest in and be deemed always to have passed and devolved to or vested in the successors from time to time of such corporation.

(8) Where either after or before the commencement of this Act there is or has been a vacancy in the office of a corporation sole or in the office of the head of a corporation aggregate (in any case in which the vacancy affects the status or powers of the corporation) at the time when, if there had been no vacancy, any interest in or charge on property would have been acquired by the corporation, such interest shall notwithstanding such vacancy vest and be deemed to have vested in the successor to such office on his appointment as a corporation sole, or in the corporation aggregate (as the case may be), but without prejudice to the right of such successor or of the corporation aggregate after the appointment of its head officer, to disclaim that interest or charge.

(9) Any contract or other transaction expressed or purported to be made with, or any appointment as a custodian or other trustee or as a personal representative expressed to be made of a corporation sole, at a time (either after or before the commencement of this Act) when there is or has been a vacancy in the office, shall on the vacancy being filled take effect and be deemed to

have taken effect as if the vacancy had been filled before the contract, transaction or appointment was expressed to be made or was capable of taking effect, and shall be capable of being enforced, accepted, disclaimed or renounced when the successor is appointed.

Abolition of acknowledgments by married women. 3 & 4 Will. 4. c. 74. 20 & 21 Vict. c. 57. 45 & 46 Vict. c. 39.

74.—(1) Every disposition (including a disclaimer) of real or personal property or any interest therein which a married woman is under the Fines and Recoveries Act, 1833, or the Married Women's Reversionary Interests Act, 1857, or any other enactment authorised to make by deed acknowledged in the manner thereby prescribed as amended by the Conveyancing Act, 1882, shall, from the date of execution of the deed of disposition, be effectual if made by her with the concurrence of her husband, but without acknowledgment.

(2) The separate examination of a married woman shall not be necessary as a preliminary to any order of the court directing payment or transfer of any money or property to her or in accordance with her directions.

(3) Where the court, under any statutory power, dispenses in any case with the concurrence of the husband, and the court is satisfied that the wife is entitled for her separate use to the property to be dealt with, the court may by the order declare that the disposition shall have the same effect as if the husband had concurred therein and had disposed of his rights and interests, and the disposition by the wife alone shall take effect accordingly without acknowledgment.

(4) This section applies only to deeds executed and orders made after the commencement of this Act, and does not render necessary the concurrence of a husband in any deed where such concurrence would not have been requisite, if this section had not been passed.

Acquisitions and dispositions of trust estates by married women. 7 Edw. 7. c. 18.

75.—(1) For removing doubts, it is hereby declared that subsection (1) of section one of the Married Women's Property Act, 1907, shall be construed as having authorised a woman who was married after the thirty-first day of December one thousand eight hundred and eighty-two, or who, if she had not been married, would, after that date, have acquired any interest in the trust property referred to in that section, or in any other trust property, to acquire and hold such property or any such interest

therein, as well as to dispose of or to join in disposing of the property, without her husband, as if she had been a feme sole; and no interest in such property shall vest or be deemed to have vested in her husband by reason only of such acquisition; and she shall accordingly acquire, or be deemed to have acquired (as well from her husband as from any other person) and shall hold or be deemed to have held every such interest as a feme sole.

(2) Section one aforesaid, as explained by this section, does not prejudicially affect any beneficial interest of the husband of any such woman; and in those sections "disposition" includes a disclaimer and an assent, and "dispose of" has a corresponding meaning.

Abolition of enrolment of disentailing assurances, &c. 3 & 4 Will. 4. c. 74.

76.—(1) Every assurance or instrument executed or made after the commencement of this Act which, under the provisions of sections forty-one, forty-six, fifty-eight, fifty-nine, seventy-one, and seventy-two of the Fines and Recoveries Act, 1833, or otherwise under that Act (as extended by this Act), would have been required to be enrolled in the Central Office in England, shall be as effectual for all purposes, without such enrolment, as if it had been duly enrolled within the time prescribed by the said Act for such enrolment.

(2) In this section "assurance" includes a vesting order operating as a disentailing assurance, whether made for barring an estate tail or enlarging a base fee or otherwise.

(3) This section applies to entailed interests authorised to be created by this Act as well as to estates tail created before the commencement of this Act.

Power for tenant in tail in possession to dispose of property by specific devise or bequest.

77.—(1) A tenant in tail of full age shall have power to dispose by will, by means of a devise or bequest referring specifically either to the property or to the instrument under which it was acquired or to entailed property generally—

(*a*) of all property of which he is tenant in tail in possession at his death; and

(*b*) of property to be sold where the money arising from the sale is subject to be invested in the purchase of property to be settled so that if purchased he would, at his death, have been tenant in tail in possession thereof; and

(*c*) of money subject to be invested in the purchase of lands, of which if it had been so invested he would have been tenant in tail in possession at his death;

in like manner as if after barring the entail he had in equity been tenant in fee-simple or absolute owner thereof at his death; but, subject to and in default of any such disposition by will, such property shall devolve in the same manner as if this section had not been passed.

(2) This section applies to entailed interests authorised to be created by this Act as well as to estates tail created before the commencement of this Act, but does not extend to a tenant in tail who is by statute restrained from barring or defeating his estate tail, whether the land or property in respect whereof he is so restrained was purchased with money provided by Parliament in consideration of public services or not, or to a tenant in tail after possibility of issue extinct, and shall not render any interest which is not disposed of by the will of the tenant in tail liable for his debts or other liabilities.

(3) In this section the expressions "tenant in tail" and "money subject to be invested in the purchase of lands" have the same meanings as in the Fines and Recoveries Act, 1833; and the expression "tenant in tail" includes an owner of a base fee in possession who has power to enlarge the base fee into a fee-simple without the concurrence of any other person.

(4) This section only applies to wills executed after the commencement of this Act, or confirmed or republished by codicil executed after such commencement.

Relief against forfeiture of leases on assignment, &c., and as to powers to distrain.

78.—(1) The words "To a covenant or condition "against assigning, underletting, parting with the "possession, or disposing of the land leased; or" in subclause (i) of subsection (6) of section fourteen of the Conveyancing Act, 1881, are hereby repealed. This subsection only applies where the breach occurs after the commencement of this Act and the foregoing repeal shall not apply where the land leased has been assigned, underlet, parted with, or disposed of, to a limited company.

(2) For removing doubts it is hereby declared—

(*a*) That a power of distress in regard to land, given by way of indemnity against a rent or any part thereof payable in respect of any land, is not and shall not be deemed ever to have

been a bill of sale within the meaning of the Bills of Sale Acts, 1878 and 1882, as amended by any subsequent enactment:

41 & 42 Vict. c. 31 and 45 & 46 Vict. c. 43.

(*b*) That the benefit of all covenants and powers given by way of indemnity against a rent or any part thereof payable in respect of land is and shall be deemed always to have been annexed to the land intended to be indemnified, and may be enforced by the estate owner for the time being of the whole or any part of that land, notwithstanding that the benefit may not have been expressly apportioned or assigned to him or to any of his predecessors in title.

Powers of attorney relating to land to be filed.

79.—(1) Where an instrument creating a power of attorney confers a power to dispose of or deal with any interest in or charge upon land, the instrument or a certified copy thereof or of such portions thereof as refer to or are necessary to the interpretation of such power shall be filed at the Central Office pursuant to section forty-eight of the Conveyancing Act, 1881, unless the instrument only relates to one transaction and is to be handed over on the completion of that transaction:

Provided that, if the instrument relates to land or a charge registered under the Land Transfer Acts, 1875 and 1897, the instrument or a certified copy thereof or of such portions thereof as aforesaid shall be filed at the Land Registry, and it shall not be necessary to file it at the Central Office unless it also relates to land or a charge not so registered, in which case the instrument or a certified copy thereof or of such portions thereof as aforesaid shall be filed at the Central Office and an office copy shall be filed at the Land Registry.

(2) Notwithstanding any stipulation to the contrary, a purchaser of any interest in or charge upon land (not being land or a charge registered as aforesaid) shall be entitled to have any instrument creating a power of attorney which affects his title, or an office copy thereof or of the material portions thereof delivered to him free of expense.

(3) This section only applies to instruments executed after the commencement of this Act.

Powers of attorney for value and amendment of section 47

80.—(1) A power of attorney given for valuable consideration may be given, and shall be deemed to have been always capable of being given, to a purchaser of property or any interest therein, and to the persons

deriving title under him thereto; and those persons shall be the duly constituted attorneys for all the purposes of the power, but without prejudice to any right to appoint substitutes given by the power. of the Act of 1881.

(2) This section only applies to powers of attorney created by instruments executed after the thirty-first day of December, one thousand eight hundred and eighty-two.

(3) This section shall not authorise the persons deriving title under the donee of the power to execute, on behalf of the registered proprietor, an instrument relating to registered land to which effect is to be given on the register.

(4) The following provision shall have effect as if inserted at the end of subsection (1) of section forty-seven of the Conveyancing Act, 1881, namely:—

> "A statutory declaration by an attorney to the effect that he has not received any notice or information of the revocation of such power of attorney by death or otherwise shall, if made immediately before or within three months after any such payment or act as aforesaid, be taken to be conclusive proof of such non-revocation at the time when such payment or act was made or done."

Effect of bankruptcy of the mortgagor as respects the power for the mortgagee to sell or appoint a receiver.

81.—(1) Where the statutory or express power for a mortgagee either to sell or to appoint a receiver is made exercisable by reason of the mortgagor committing an act of bankruptcy or being adjudged a bankrupt, such power shall not become exercisable only on account of the act of bankruptcy or adjudication, without the leave of the court.

(2) After the words "or that due notice was not given" in subsection (2) of section twenty-one of the Conveyancing Act, 1881, the words "or that leave of the court was not obtained" are hereby inserted.

(3) This section applies only where the mortgage deed is executed after the commencement of this Act; and in this section "act of bankruptcy" includes the filing of a petition by any person against the mortgagor, and the making of a receiving order.

Transfers of mortgages.

82.—(1) A deed executed by a mortgagee purporting to transfer his mortgage or the benefit thereof shall, unless a contrary intention is therein expressed, and subject to any provisions therein contained, operate to transfer to the transferee the right to demand, sue for, recover and give receipts for the mortgage money, or the unpaid part thereof, and the interest then due, if any, and thenceforth to become due thereon, and the benefit of all securities for the same, and the benefit of and the right to sue on all covenants with the mortgagee, and the right to exercise all powers of the mortgagee, and all the estate and interest in the mortgaged property then vested in the mortgagee, subject to redemption or cesser, but as to such estate and interest subject to the right of redemption then subsisting.

(2) In this section the expressions "mortgagee" and "mortgage money" have the same meanings as in the Conveyancing Act, 1881, but "mortgagee" includes a chargee by way of legal mortgage, and the expression "transferee" includes his executors, administrators, and assigns.

(3) A transfer of mortgage may be made in the form contained in Part I. of the Eleventh Schedule to this Act, with such variations and additions, if any, as the circumstances may require.

(4) This section applies, whether the mortgage transferred was made before or after the commencement of this Act and whether by way of statutory mortgage or not, but applies only to transfers made after the commencement of this Act.

(5) This section does not extend to a transfer of a bill of sale of chattels by way of security.

Amendments of sections 5, 19, 23 and 24 of the Act of 1881 and of the Act of 1882, and of section 8 of the Act of 1911.

83.—(1) For removing doubts, it is hereby declared as follows:—

(i) The expression "the mortgaged property" where first used in clause (ii) of subsection (1) of section nineteen of the Conveyancing Act, 1881, and where used in clause (iii) of the same subsection, and in section twenty-four of the said Act means and shall be deemed always to

have meant the property which, or the estate or interest in property which is mortgaged;

(ii) The expression "bankruptcy" in the Conveyancing Act, 1882, has and shall be deemed to have always had the same meaning as in the Conveyancing Act, 1881.

(2) The power for the court under section five of the Conveyancing Act, 1881, to declare land to be freed from an incumbrance shall extend to other land affected by the incumbrance besides the land sold or exchanged; and this power may be exercised, either after or without notice to the incumbrancer, notwithstanding that on a previous occasion the order was confined to the land then sold or exchanged or part thereof; and in that section (as amended) references to sales shall include exchanges.

(3) The words "effected under the mortgage deed or under this Act" in subsection (3) of section twenty-three of the Conveyancing Act, 1881, are hereby repealed, and the words "of mortgaged property against loss or damage "by fire or otherwise effected under this Act or for the "maintenance of which the mortgagor is liable under the "mortgage deed" are hereby inserted in their place, and are also inserted after the word "insurance" in subsection (4) of section twenty-three aforesaid.

(4) At the end of subsection (1) of section eight of the Conveyancing Act, 1911, the words "or other the trustees or trustee for the time being of the trust" are hereby inserted and that subsection shall be construed as if those words had always formed part thereof.

Reconveyances of mortgages by endorsed receipts.

84.—(1) A receipt endorsed on, written at the foot of, or annexed to, a mortgage for all money thereby secured, which states the name of the person who pays the money and is executed by the person in whom the mortgaged property is vested and who is legally entitled to give a receipt for the mortgage money shall operate, without any reconveyance, surrender, or release—

(*a*) In the case of a mortgage taking effect by demise or subdemise, as a surrender of the term, as respects the subject matter of the mortgage,

so as to determine the term or merge the same in the reversion immediately expectant thereon;

(*b*) Where the mortgage does not take effect by demise or subdemise, then as a reconveyance thereof to the extent of the interest which is the subject matter of the mortgage, to the person who immediately before the execution of the receipt was entitled to the equity of redemption;

(*c*) And in all cases, as a discharge of the mortgaged property from all principal money and interest secured by, and from all claims under the mortgage.

(2) Provided that (except as hereinafter mentioned) where, by the receipt, the money appears to have been paid by a person who is not entitled to the immediate equity of redemption, then, unless it is otherwise expressly provided, the receipt shall operate as if the benefit of the mortgage had by deed been transferred to him; but this provision shall not apply where the mortgage is paid off out of capital money, or other money in the hands of a personal representative or trustee properly applicable for the discharge of the mortgage, unless it is expressly provided that the receipt is to operate as a transfer.

(3) Nothing in this section shall confer on a mortgagor a right to keep alive a mortgage, paid off by him, so as to affect prejudicially any subsequent incumbrancer; and where there is no right to keep the mortgage alive, the receipt shall not operate as a transfer.

(4) This section shall not affect the right of any person to require a reassignment, surrender, release, or transfer to be executed in lieu of a receipt.

(5) A receipt may be given in the form contained in Part II. of the Eleventh Schedule to this Act, with such variations and additions, if any, as may be deemed expedient; and where it takes effect under this section, it shall (subject as hereinafter provided) be liable to the same stamp duty as if it were a reconveyance under seal.

(6) In a receipt given under this section the same covenants shall be implied as if the person who executes

the receipt had by deed been expressed to convey the property as mortgagee.

(7) Where the mortgage consists of a mortgage and a further charge or of more than one deed, it shall be sufficient for the purposes of this section, if the receipt refers either to all the deeds whereby the mortgage money is secured or to the aggregate amount of the mortgage money thereby secured and is endorsed on, written at the foot of, or annexed to, one of the mortgage deeds.

(8) In this section the expressions "mortgage" "mortgage money" "mortgagor" and "mortgagee" have the same meanings as in the Conveyancing Act, 1881.

(9) This section applies to the discharge of a charge by way of legal mortgage and a mortgage, whether made by way of statutory mortgage or not, executed before or after the commencement of this Act, but only as respects discharges effected after such commencement.

(10) The provisions of this section relating to the operation of a receipt shall (in substitution for the like statutory provisions relating to receipts given by or on behalf of a building, friendly, industrial or provident society) apply to the discharge of a mortgage made to any such society, provided that the receipt is executed in the manner required by the statute relating to the society, but nothing in this section shall render a receipt given by or on behalf of any such society liable to any stamp duty which would not have been otherwise payable.

(11) This section shall not apply to the discharge of a charge or incumbrance registered under the Land Transfer Acts, 1875 and 1897. 38 & 39 Vict. c. 87. 60 & 61 Vict. c. 65.

Notice of trusts affecting mortgage debts.

85.—(1) A purchaser from a mortgagee under his statutory or express power of sale, and a transferee for money or money's worth of a mortgage, shall not be concerned with any trust affecting the mortgage money or the income thereof, whether or not he has notice of the trust, and may assume unless the contrary appears in the instruments relating to the mortgage, that the mortgagees (if more than one) are entitled to the mortgage money on a joint account, and that the mortgagee or mortgagees has or have power to give valid receipts for the purchase money or mortgage money and the income

thereof (including any arrears of interest) without investigating the equitable title to the mortgage debt or the appointment or discharge of trustees in reference thereto.

(2) This section applies to mortgages made before or after the commencement of this Act, but only as respects sales and transfers effected after such commencement.

Management of land of infants or persons entitled contingently.

86.—(1) Where any person is contingently entitled to land, subsections (1), (2), (3), and (7) of section forty-two of the Conveyancing Act, 1881 (as amended by any subsequent enactment), shall, subject to any prior interests or charges affecting that land, apply until his interest vests, or, if his interest vests during his minority, until he attains the age of twenty-one years.

(2) This section applies only where a person becomes contingently entitled under an instrument coming into operation after the commencement of this Act.

Contingent and future testamentary gifts to carry the intermediate income. 39 & 40 Geo. 3. c. 98.

87.—(1) A contingent or future specific devise or bequest of property, whether real or personal, and a contingent residuary devise of freehold land, and a specific or residuary devise of freehold land to trustees upon trust for persons whose interests are contingent or executory shall, subject to the provisions of the Accumulations Act, 1800, carry the intermediate income of that property from the death of the testator, except so far as such income, or any part thereof, may be otherwise expressly disposed of.

(2) This section applies only to wills coming into operation after the commencement of this Act.

Power to apply income for maintenance, and to accumulate surplus income during a minority.

88.—(1) Where any property is held by trustees in trust for any person for any interest whatsoever, whether vested or contingent, then subject to any prior interests or charges affecting that property—

(i) During the infancy of such person, if his interest so long continues, the trustees may, at their sole discretion, pay to his parent or guardian, if any, or otherwise apply for or towards his maintenance, education or benefit, the whole or such part (if any) as may under all the circumstances be reasonable of the income of that property, whether there is any other fund applicable to the same purpose, or any person bound by law

to provide for his maintenance or education, or not; and

(ii) If such person on attaining the age of twenty-one years has not a vested interest in such income, the trustees shall thenceforth pay the income of that property and of any accretion thereto under subsection (2) of this section to him, until he either attains a vested interest therein or dies, or until failure of his interest:

(iii) Provided that, in deciding whether the whole or any part of the income of the property is during a minority to be paid or applied for the purposes aforesaid, the trustees shall have regard to the age of the infant and his requirements and generally to the circumstances of the case, and in particular to what other income (if any) is applicable for the same purposes; and where trustees have notice that the income of more than one fund is applicable for those purposes then, so far as practicable, unless the entire income of the funds is paid or applied as aforesaid or the court otherwise directs, a proportionate part only of the income of each fund shall be so paid or applied.

(2) During the infancy of such person, if his interest so long continues, the trustees shall accumulate all the residue of that income in the way of compound interest by investing the same and the resulting income thereof from time to time on securities on which they are by the settlement, if any, or by law, authorised to invest trust money, and shall hold those accumulations--

(i) If such person attains the age of twenty-one years, or marries under that age, and his interest in such income during his infancy or until his marriage is a vested interest, or, if such person on attaining the age of twenty-one years or marriage under that age becomes entitled to the property from which such income arose in fee simple, absolute or determinable, or absolutely, or for an entailed interest then in trust for such person absolutely, but without prejudice to any provision with respect thereto contained in any settlement by him made under any statute during his infancy, and so that the receipt of

such person after marriage, and though still an infant, shall be a good discharge; and

(ii) In any other case (and notwithstanding that such person had a vested interest in such income) as an accretion to the capital of the property from which such accumulations arose, and as one fund with such capital for all purposes, and so that, if such property is settled land, such accumulations shall be held upon the same trusts as if the same were capital money arising therefrom;

but the trustees may, at any time during the infancy of such person if his interest so long continues, apply those accumulations, or any part thereof, as if the same were income arising in the then current year.

(3) This section applies in the case of a contingent interest only if the limitation or trust carries the intermediate income of the property; but it applies to a future or contingent legacy by the parent of, or a person standing in loco parentis to the legatee, if and for such period as, under the general law, the legacy carries interest for the maintenance of the legatee, and in any such case as last aforesaid the rate of interest shall be five pounds per centum per annum.

(4) This section shall apply to a vested annuity in like manner as if the annuity were the income of property held by trustees in trust to pay the income thereof to the annuitant for the same period for which the annuity is payable, save that in any case accumulations made during the infancy of the annuitant shall be held in trust for the annuitant or his personal representatives absolutely.

(5) Section forty-three and subsections (4) and (5) of section forty-two of the Conveyancing Act, 1881, are hereby repealed.

(6) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, under which the interest arises, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(7) This section and the repeals therein apply only where that instrument comes into operation after the commencement of this Act.

Accumulations of surplus income.

89.—(1) For removing doubts, it is hereby declared that where accumulations of surplus income are made during a minority under any statutory power or under the general law, the period for which such accumulations are made is not, whether the trust was created or the accumulations were made before or after the commencement of this Act, to be reckoned as one of the periods for which accumulations are authorised to be made under the Accumulations Act, 1800 (as amended by the Accumulations Act, 1892), and accordingly an express trust for accumulation for any other authorised period shall not be deemed to have been invalidated, or become invalid, by reason of accumulations also having been made during a minority as aforesaid.

(2) This section applies to trusts created before or after the commencement of this Act.

Power to discharge or modify restrictive covenants affecting land.

90.—(1) The Authority hereinafter defined shall (without prejudice to the jurisdiction of the court) have power from time to time, on the application of any person interested in any freehold land affected by any restriction arising under covenant or otherwise as to the user thereof or the building thereon, by order wholly or partially to discharge or modify any such restriction (subject or not to the payment by the applicant of compensation to any person suffering loss in consequence of the order) upon being satisfied—

(*a*) That by reason of changes in the character of the property or the neighbourhood or other circumstances of the case which the Authority may deem material, the restriction ought to be deemed obsolete, or that the continued existence thereof would impede the reasonable user of the land for public or private purposes, without securing practical benefits to other persons or, as the case may be, would unless modified so impede such user; or

(*b*) That the persons of full age and capacity for the time being or from time to time entitled to the benefit of the restriction, whether in respect of estates in fee simple or any lesser estates or interests in the property to which the benefit of the restriction is annexed, have agreed, either expressly or by implication, by their acts or

omissions, to the same being discharged or modified, or that the proposed discharge or modification will not injure the persons entitled to the benefit of the restriction:

Provided that no compensation shall be payable in respect of the discharge or modification of a restriction by reason of any advantage thereby accruing to the owner of the land affected by the restriction, unless the person entitled to the benefit of the restriction also suffers loss in consequence of the discharge or modification, nor in excess of such loss; but this provision shall not affect any right to compensation where, by reason of the imposition of the restriction, the amount of the consideration paid for the acquisition of the land was reduced.

(2) The court shall have power in any proceedings on the application of any person interested—

(*a*) To declare whether or not in any particular case any freehold land is affected by a restriction imposed by any instrument; or

(*b*) To declare what, upon the true construction of any instrument purporting to impose a restriction, is the nature and extent of the restriction thereby imposed and whether the same is enforceable and if so by whom.

(3) The Authority shall, before making any order under this section, direct such enquiries (if any) to be made of any local authority, or such notices (if any), whether by way of advertisement or otherwise, to be given to such of the persons who appear to be entitled to the benefit of the restriction intended to be discharged, modified, or dealt with as, having regard to any enquiries notices or other proceedings previously made, given or taken, the Authority may think fit.

(4) The Authority may make rules in relation to any applications to be made to the Authority under this section and may revoke or vary any such rules, and with the consent of the Treasury may prescribe the fees to be paid in connexion with any application to the Authority.

(5) Any order made under this section shall be binding on all persons, whether ascertained or of full age or capacity or not, then entitled or thereafter (subject to the order) capable of becoming entitled to the benefit of any restriction which is thereby discharged, modified, or dealt with, and whether such persons are parties to the

proceedings or have been served with notice or not, but any order made by the Authority shall, in accordance with rules of court, be subject to appeal to the court.

(6) An order may be made under this section notwithstanding that any instrument which is alleged to impose the restriction intended to be discharged, modified, or dealt with, may not have been produced to the court or the Authority, and the court or the Authority may act on such evidence of that instrument as it may think sufficient.

(7) This section applies to restrictions whether subsisting at the commencement of this Act or imposed thereafter, and whether the freehold land affected thereby is registered or not, and, in the case of registered land, the Chief Land Registrar shall give effect on the register to the order when made, but this section does not apply where the restriction was imposed on the occasion of a disposition made gratuitously or for a nominal consideration for public purposes.

(8) Where any proceedings by action or otherwise are taken to enforce a restrictive covenant, any person against whom the proceedings are taken, may, in such proceedings apply to the court for an order staying the proceedings and giving leave to apply to the Authority under this section.

(9) In this section "the Authority" means such one or more of the Official Arbitrators appointed for the purposes of the Acquisition of Land (Assessment of Compensation) Act, 1919, as may be selected by the Reference Committee under that Act. 9 & 10 Geo. 5. c. 57.

(10) This section does not apply to restrictions imposed by the Commissioners of Works under this Act for the protection of any Royal Park or Garden or to restrictions of a like character imposed upon the occasion of any enfranchisement effected before the commencement of this Act in any manor vested in His Majesty in right of the Crown or the Duchy of Lancaster.

(11) Where a term of more than seventy years is created in land (whether before or after the commencement of this Act) this section shall, after the expiration of fifty years of the term, apply to restrictions affecting such leasehold land in like manner as it would have applied had the land been freehold:

Provided that this subsection shall not apply to mining leases or leases for mining purposes.

Creation of rentcharges.

91.—(1) A rentcharge or other annual sum (not being rent incident to a reversion) payable half yearly or otherwise may be granted, reserved, charged or created out of or on another rentcharge or annual sum (not being rent incident to a reversion) charged on or payable out of land or on or out of the income of land, in like manner as the same could have been made to issue out of land.

(2) If at any time the annual sum so created or any part thereof is unpaid for twenty-one days next after the time appointed for any payment in respect thereof, the person entitled to receive the annual sum shall (without prejudice to any prior interest or charge) have power to appoint a receiver of the annual sum charged or any part thereof, and the provisions of section twenty-four of the Conveyancing Act, 1881, shall apply in like manner as if such person were a mortgagee entitled to exercise the power of sale conferred by that Act, and the annual sum charged were the mortgaged property and the person entitled thereto were the mortgagor.

(3) The power to appoint a receiver conferred by this section shall (where the annual sum is charged on a rentcharge) take effect in substitution for the remedies conferred, in the case of annual sums charged on land, by section forty-four of the Conveyancing Act, 1881, and section six of the Conveyancing Act, 1911, shall apply as if that power had been conferred by section forty-four aforesaid.

1 & 2 Geo. 5. c. 37.

(4) This section applies to annual sums expressed to be created before as well as after the commencement of this Act and shall, but without prejudice to any order of the court made before the commencement of this Act, operate to confirm any annual sum which would have been validly created if this section had been in force.

Amendment of section 45 of the Conveyancing Act, 1881.

92.—(1) If the Minister is satisfied—

(*a*) that any person who has been in receipt of a rent, or claims to be entitled thereto, is unable or unwilling to prove his title either to dispose thereof absolutely, or to give an absolute discharge for the capital value thereof, or neglects to apply to any competent body or person for any requisite order or consent; or

(*b*) that a person entitled to the rent or any part thereof cannot be found or ascertained; or

(*c*) that by reason of complications in the title to the rent, or the want of two or more trustees, or for any other reason a tender of the redemption money cannot be effected, or cannot be effected without incurring or involving unreasonable cost or delay,

the Minister may authorise the owner or other person interested in the land affected by the rent, to pay the amount of the redemption money certified by the Minister into court, to an account entitled in the matter of the rent and of the land affected.

(2) On proof to the Minister of such payment into court he shall certify that the rent has been redeemed and the provisions of subsection (3) of section forty-five of the Conveyancing Act, 1881, shall apply to such certificate.

(3) Any person claiming to be interested in the fund in court, or who would have been interested in the rent had it not been redeemed, may apply to the court for an order giving directions for the payment, to the persons entitled to give a receipt for the same, of the fund in court or any part thereof, or of the income thereof, and it shall not be necessary to serve the owner of the land or the Minister with notice of the proceedings.

(4) Where any person interested in the whole or any part of the land affected by the rent desires to effect a discharge of a part of the land, and the remainder of the land is not exonerated or indemnified from the rent by means of the aforesaid part, the Minister may, on his application, by a certificate, apportion the rent between the aforesaid part of the land and the remainder of the land affected (regard being had to the security which will be left for the payment of any part of the rent, and to any apportionment which is not binding on the owner of the rent), and any apportioned part of the rent shall be redeemable under section forty-five aforesaid, as hereby amended, and, on such redemption, the part of the land to which the redemption applies shall be discharged from the entire rent.

(5) Rules may be made by the Minister for regulating proceedings to be taken under section forty-five aforesaid and this section, and as to the manner in which costs are to be borne by the respective parties. And all decisions of the Minister made under section forty-five aforesaid and this section shall (subject only to such appeal to the court as may be prescribed by rules of court) be final.

(6) Section forty-five aforesaid (as amended by this section) does not apply to tithe rentcharge or other payment redeemable under the Tithe Acts, 1836 to 1918, or to a rent reserved on a lease or tenancy, and subsections (5) and (6) of that section are hereby repealed.

(7) "Rent" in that section (as so amended) includes a rent reserved on a sale, or made payable under a grant or licence (not operating as an agreement for a lease or tenancy) for building purposes, also a compensation rentcharge created under Part VI. of this Act, and that section (as so amended) applies whether the rent was created before or after the commencement of this Act.

(8) Where the rent (being perpetual) was reserved on a sale, or was made payable under a grant or licence for building purposes, the redemption money shall be such sum as would according to the average price, at the date of redemption, of such Government securities as may for the time being be prescribed by the Treasury, yield annual dividends equal to the amount of the yearly rent redeemed.

(9) Section forty-five aforesaid, as amended by this section, applies whether or not the rent is settled or is held on trust for sale, or on trust for charitable, ecclesiastical, public or other purposes, or is subject to incumbrances.

Apportionment of charges payable for redemption of tithe rentcharge. 17 & 18 Vict. c. 97.

93.—(1) An order of apportionment of a charge on land may be made by the Minister under sections ten to fourteen (inclusive) of the Inclosure Act, 1854, on the application of any person interested, according to the provisions of the Inclosure Acts, 1845 to 1882, in the land charged or any part thereof without the concurrence of any other person: Provided that the Minister may, in any such case, on the application of the person interested as aforesaid in the annuity, require as a condition of making the order that any apportioned part of the annuity which does not exceed the yearly sum of two pounds shall be redeemed forthwith.

(2) In section eleven of the Inclosure Act, 1854, the proviso to that section, and in section thirteen the words "so far as the same has been apportioned upon "the lands of persons interested and making application "as aforesaid" are hereby repealed.

Thirty years substituted for forty years as the root of title.

94.—(1) In the completion of any contract of sale of land made after the commencement of this Act, and subject to any stipulation to the contrary in the contract, thirty years shall be substituted as the period of commencement of title which a purchaser may require in place of forty years, the present period of such commencement; nevertheless earlier title than thirty years may be required in cases similar to those in which earlier title than forty years may now be required.

37 & 38 Vict. c. 78.

(2) Section one of the Vendor and Purchaser Act, 1874, is hereby repealed.

Provisions as to constructive notice.

95.—(1) For removing doubts, it is hereby declared that a purchaser shall not be deemed to be or ever to have been affected with notice of any matter or thing of which, if he had investigated the title or made enquiries in regard to matters prior to the period of commencement of title fixed by this Act, or by any other statute, he might have had notice, unless he actually makes such investigation or enquiries.

(2) Where, by reason of section two of the Vendor and Purchaser Act, 1874, or of sections three or thirteen of the Conveyancing Act, 1881, an intended lessee or assign is not (apart from express contract) entitled to call for the title to the freehold or to a leasehold reversion (as the case may be), he shall not, where the contract is made after the commencement of this Act, be deemed to be affected with notice of any matter or thing of which, if he had contracted that such title should be furnished, he might have had notice.

Covenants binding land.

96.—(1) A covenant and a bond and an obligation or contract under seal made after the thirty-first December, eighteen hundred and eighty-one, shall bind the real estate as well as the personal estate of the person making the same if and so far as a contrary intention is not expressed in the covenant, bond, obligation, or contract. This subsection extends to a covenant implied by virtue of the Conveyancing Act, 1881.

(2) Every covenant running with the land entered into before the commencement of this Act shall take effect subject to the provisions of this Act, and accordingly the benefit or burden of every such covenant shall, subject as aforesaid, vest in or bind the persons who by

virtue of this Act succeed to the title of the covenantee or the covenantor, as the case may be.

(3) The benefit of a covenant relating to land entered into after the commencement of this Act may be made to run with the land without the use of the word "heirs" if the covenant is of such a nature that the benefit could have been made to run with the land before the commencement of this Act, and if an intention that the benefit shall pass to the successors in title of the covenantee appears from the deed containing the covenant.

(4) For the purposes of this section, a covenant runs with the land when the benefit or burden of it, whether at law or in equity, passes to the successors in title of the covenantee or the covenantor, as the case may be.

Contracts entered into by a person with himself and another or others.

97.—(1) Any covenant (whether express or implied) or agreement entered into by a person with himself and another or others shall be construed and be capable of being enforced in like manner as if the covenant or agreement had been entered into with the other or others.

(2) This section applies to covenants implied under section seven of the Conveyancing Act, 1881, in the case of a person who conveys or is expressed to convey to himself and another person or other persons.

(3) This section applies to covenants or agreements entered into, or implied, before or after the commencement of this Act, but without prejudice to any order of the court made before such commencement.

As to the rule as to perpetuities.

98.—(1) For removing doubts, it is hereby declared that the rule of law relating to perpetuities does not apply and shall not be deemed ever to have applied—

(*a*) To any power to distrain on or to take possession of land or the income thereof given by way of indemnity against a rent, whether charged upon or payable in respect of any part of that land or not; or

(*b*) To any rentcharge created only as an indemnity against another rentcharge, although the indemnity rentcharge may only arise or become payable on breach of a condition or stipulation: or

(*c*) To any power, whether exercisable on breach of a condition or stipulation or not, to retain or withhold payment of any instalment of a rent-charge as an indemnity against another rent-charge; or

(*d*) To any grant, exception, or reservation of any right of entry on, or user of, the surface of land or of any easements, rights, or privileges over or under land for the purpose of winning, working, inspecting, measuring, converting, manufacturing, carrying away, and disposing of mines and minerals; inspecting, grubbing up, felling and carrying away timber and other trees, and the tops and lops thereof; executing repairs, alterations, or additions to any adjoining land, or the buildings and erections thereon; or constructing, laying down, altering, repairing, renewing, cleansing, and maintaining sewers, watercourses, cesspools, gutters, drains, water-pipes, gas-pipes, electric wires or cables or other like works.

(2) This section applies to instruments coming into operation before or after the commencement of this Act.

Validation of certain gifts void for remoteness.

99.—(1) Where in a will, settlement, or other instrument the absolute vesting either of capital or income of property, or the ascertainment of a beneficiary or class of beneficiaries, is made to depend on the attainment by the beneficiary or members of the class of an age exceeding twenty-one years, and thereby the gift to that beneficiary or class or any member thereof, or any gift over, remainder, executory limitation, or trust arising on the total or partial failure of the original gift, is, or but for this section would be, rendered void for remoteness, the will, settlement, or other instrument shall take effect for the purposes of such gift, gift over, remainder, executory limitation, or trust as if the absolute vesting or ascertainment aforesaid had been made to depend on the beneficiary or member of the class attaining the age of twenty-one years, and that age shall be substituted for the age stated in the will, settlement, or other instrument.

(2) This section applies to any instrument executed after the commencement of this Act and to any testamentary appointment (whether made in exercise of a general

or special power) devise, or bequest contained in the will of a person dying after such commencement, whether the will is made before or after such commencement.

(3) This section applies without prejudice to any provision whereby the absolute vesting or ascertainment is also made to depend on the marriage of any person, or any other event which may occur before the age stated in the will, settlement, or other instrument is attained.

Protection of purchasers claiming under certain void appointments.

100.—(1) An instrument purporting to exercise a power of appointment over property, which, in default of and subject to any appointment, is held in trust for a class of persons of whom the appointee is one, shall not (save as hereinafter provided) be void on the ground of fraud on the power as against a purchaser in good faith:

Provided that, if the interest appointed exceeds in amount or value, the interest in such property to which immediately before the execution of the instrument the appointee was presumptively entitled under the trust in default of appointment, having regard to any advances in his favour and to any hotchpot provision, the protection afforded by this section to a purchaser shall not extend to such excess.

(2) In this section "a purchaser in good faith" means a person dealing with an appointee of the age of not less than twenty-five years for valuable consideration in money or money's worth, and without notice of the fraud, or of any circumstances from which, if reasonable inquiries had been made, the fraud might have been discovered.

(3) Persons deriving title under any purchaser entitled to the benefit of this section shall be entitled to the like benefit.

(4) This section applies to instruments coming into operation before or after the commencement of this Act, but only to dealings effected after the commencement of this Act.

Amendment of section 65 of the Conveyancing Act, 1881.

101.—(1) A rent not exceeding the yearly sum of one pound which has not been collected or paid for a continuous period of twenty years or upwards shall, for the purposes of section sixty-five of the Conveyancing Act, 1881, be deemed to have ceased to be payable:

Provided that, of the said period, at least five years must have elapsed after the commencement of this Act.

(2) Where a rent, incident to a reversion expectant on a term to which section sixty-five aforesaid (as amended by any subsequent enactment) applies, is deemed to have ceased to be payable for the purposes aforesaid, then no claim for such rent or for any arrears thereof shall be capable of being enforced.

Rights of the public over waste land and commons.

102.—(1) From and after the commencement of this Act members of the public shall, subject as hereinafter provided, have rights of access for air and exercise to any land which is a metropolitan common within the meaning of the Metropolitan Commons Acts, 1866 to 1898, or manorial waste or a common which is wholly or partly situated within a borough or urban district, and to any land which at the commencement of this Act is subject to rights of common and to which this section may from time to time be applied in manner hereinafter provided:

Provided that—

(*a*) such rights of access shall be subject to any Act, scheme, or provisional order for the regulation of the land, and to any byelaw or regulation made thereunder; and

(*b*) the Minister shall, on the application of any person entitled as lord of the manor or otherwise to the soil of the land, or entitled to any commonable rights affecting the land, impose such limitations on and conditions as to the exercise of the rights of access or as to the extent of the land to be affected as, in the opinion of the Minister, are necessary or desirable for preventing any estate, right or interest of a profitable or beneficial nature in, over, or affecting the land being injuriously affected, or for protecting any object of historical interest and, where any such limitations or conditions are so imposed, the rights of access shall be subject thereto; and

(*c*) such rights of access shall not include any right to draw or drive upon the land a carriage, cart, caravan, truck, or other vehicle, or to camp or light any fire thereon; and

(*d*) the rights of access shall cease to apply to any land over which the commonable rights are extinguished under any statutory provision, and to any land over which the commonable

rights are otherwise extinguished if the council of the county or county borough in which the land is situated by resolution assent to its exclusion from the operation of this section, and the resolution is approved by the Minister.

(2) The lord of the manor or other person entitled to the soil of any land subject to rights of common may by deed, revocable or irrevocable, declare that this section shall apply to the land, and upon such deed being deposited with the Minister the land shall, so long as the deed remains operative, be land to which this section applies.

(3) Where limitations or conditions are imposed by the Minister under this section, they shall be published by such person and in such manner as the Minister shall direct.

(4) Any person who, without lawful authority, shall draw or drive upon any land to which this section applies any carriage, cart, caravan, truck, or other vehicle, or shall camp or light any fire thereon, or who shall fail to observe any limitation or condition imposed by the Minister under this section in respect of any such land, shall be liable on summary conviction to a fine not exceeding forty shillings for each offence.

(5) Nothing in this section shall prejudice or affect the right of any person to get and remove mines or minerals or to let down the surface of the manorial waste or common.

Restriction of inclosure of commons.

103.—(1) From and after the commencement of this Act, the erection of any building or fence, or the construction of any other work, whereby access to land to which this section applies is prevented or impeded, shall not be lawful unless the consent of the Minister thereto is obtained, and in giving or withholding his consent the Minister shall have regard to the same considerations and shall, if necessary, hold the same inquiries as are directed by the Commons Act, 1876, to be taken into consideration and held by the Minister before forming an opinion whether an application under the Inclosure Acts, 1845 to 1882, shall be acceded to or not.

39 & 40 Vict. c. 56.

(2) Where any building or fence is erected, or any other work constructed without such consent as is required by this section, the county court within whose jurisdiction the land is situated, shall, on an application being made by the council of any county or borough or district concerned,

or by the lord of the manor or any other person interested in the common, have power to make an order for the removal of the work, and the restoration of the land to the condition in which it was before the work was erected or constructed, but any such order shall be subject to the like appeal as an order made under section thirty of the Commons Act, 1876.

(3) This section shall apply to any land which at the commencement of this Act is subject to rights of common: Provided that this section shall cease to apply to any land over which the rights of common are extinguished under any statutory provision, and to any land over which the rights of common are otherwise extinguished, if the council of the county or county borough in which the land is situated by resolution assent to its exclusion from the operation of this section and the resolution is approved by the Minister.

(4) This section shall not apply to any building or fence erected or work constructed if specially authorised by Act of Parliament, or in pursuance of an Act of Parliament or Order having the force of an Act, or if lawfully erected or constructed in connexion with the taking or working of minerals in or under any land to which the section is otherwise applicable, or to any telegraphic line (as defined by the Telegraph Act, 1878) of the Postmaster-General. 41 & 42 Vict. c. 76.

104.—(1) Any stipulation made on the sale of any interest in land after the commencement of this Act to the effect that the conveyance to, or the registration of the title of, the purchaser shall be prepared or carried out at the expense of the purchaser by a solicitor appointed by or acting for the vendor and any stipulation which might restrict a purchaser in the selection of a solicitor to act on his behalf in relation to any interest in land agreed to be purchased, shall be void; and, if a sale is effected by demise or subdemise, then, for the purposes of this subsection, the instrument required for giving effect to the transaction shall be deemed to be a conveyance; but nothing in this section shall affect the right of a vendor to furnish a form of conveyance to a purchaser from which the draft can be prepared or to charge a reasonable fee therefor, or, where a perpetual rentcharge is to be reserved as the only consideration in money or money's worth, to stipulate that the draft conveyance is

Stipulations preventing a purchaser, lessee, or underlessee from employing his own solicitor to be void.

to be prepared by his solicitor at the expense of the purchaser.

(2) Any covenant or stipulation contained in, or entered into with reference to any lease or underlease made before or after the commencement of this Act, whereby the right of preparing, at the expense of a purchaser, any assignment or other conveyance of the estate or interest of the lessee or underlessee in the demised premises or in any part thereof, or of otherwise carrying out, at the expense of the purchaser, any dealing with such estate or interest, is expressed to be reserved to or vested in the lessor or underlessor or his solicitor, or which in any way restricts the right of the purchaser to have such assignment or other conveyance carried out on his behalf by a solicitor appointed by him, shall be void:

Provided that, in lieu of any covenant or stipulation rendered void by this subsection, there shall be implied a covenant or stipulation that the lessee or underlessee shall register all assignments and devolutions including probates or letters of administration affecting the lease or underlease with the lessor or his solicitor within six months from the date of the conveyance or devolution and pay a fee of one guinea in respect of each registration, and the power of entry (if any) on breach of any covenant contained in the lease or underlease shall apply and extend to the breach of any covenant so to be implied.

(3) Save where a sale is effected by demise or subdemise, this section does not affect the law relating to the preparation of a lease or underlease or the draft thereof.

(4) In this section "lease" and "underlease" include any agreement therefor or other tenancy, and "lessee" and "underlessee" and "lessor" and "underlessor" have corresponding meanings.

Application of insurance money on completion of a sale.

105. Any money becoming payable after the date of any contract for sale of property under any policy of assurance in respect of any damage to or destruction of property included in such contract shall, on completion of such contract, but subject to any stipulation to the contrary, be held or receivable by the vendor on behalf of the purchaser and paid by the vendor to the purchaser on completion of the sale or so soon thereafter as the same shall be received by the vendor.

Amendment of 34 and 35 Vict. c. 31, s. 7.

106. Section seven of the Trade Union Act, 1871 (which provides that buildings for trade unions may be purchased or leased), shall have effect as if the words "not exceeding one acre" were deleted.

Construction of deeds and other instruments and presumption of survivorship.

107.—(1) In all deeds, contracts, wills, orders and other instruments executed, made or coming into operation after the commencement of this Act, unless a contrary intention appears—

(*a*) "Month" means calendar month.
(*b*) "Person" includes a corporation.
(*c*) The singular includes the plural and vice versâ.
(*d*) The masculine includes the feminine and vice versâ.

(2) The Lord Chancellor may from time to time prescribe and publish forms of contracts and conditions of sale of land, and the forms so prescribed and for the time being in force shall, subject to any stipulation, modification, or intention expressed to the contrary, apply to contracts by correspondence, and may, but only by express reference thereto, be made to apply to any other cases for which the forms are made available; and may also prescribe and publish forms to which a testator may refer in his will, but, unless so referred to, such forms shall not be deemed to be incorporated in a will.

(3) In all cases where, after the commencement of this Act, two or more persons have died in circumstances rendering it uncertain which of them survived the other or others, such deaths shall (subject to any order of the court), for all purposes affecting the title to property, be presumed to have occurred in order of seniority, and accordingly the younger shall be deemed to have survived the elder.

(4) Any deed, whether or not being an indenture, may be described (at the commencement thereof or otherwise) as a deed simply, or as a conveyance, deed of exchange, vesting deed, trust deed, settlement, mortgage, charge, transfer of mortgage, appointment, lease or otherwise according to the nature of the transaction intended to be effected.

Construction.

108.—(1) This Part of this Act and the Conveyancing Acts, 1881 to 1911, shall be construed together and may be cited together as the Conveyancing Acts, 1881 to 1922.

(2) Expressions not otherwise defined in this Act have the same meanings in this Part of this Act as in the Conveyancing Act, 1881, but without prejudice to the general definitions in Part XI. of this Act which shall, where applicable, apply to the Conveyancing Acts, 1881 to 1922.

PART IV.

AMENDMENTS OF THE TRUSTEE ACTS.

As to the number of trustees of a settlement or holding land on trust for sale, and notice of their appointment.

109.—(1) Where, at the commencement of this Act, there are more than four trustees of a settlement, or more than four trustees holding land on trust for sale, no new trustees shall (except where as a result of the appointment the number is reduced to four or less) be capable of being appointed until the number is reduced to less than four, and thereafter the number shall not be increased beyond four.

(2) In the case of settlements and dispositions on trust for sale of land—

(*a*) The number of trustees thereof shall not, where the settlement or disposition is made or comes into operation after the commencement of this Act, in any case exceed four; and where more than four persons are named as such trustees, the four first named (who are able and willing to act) shall alone be the trustees, and the other persons named shall not be trustees unless appointed on the occurrence of a vacancy;

(*b*) The number of the trustees shall not, after the settlement or disposition is made, be increased beyond four;

(*c*) Appointments of new trustees of a vesting instrument on the one hand and of the trust deed or settlement on the other hand, and of conveyances on trust for sale on the one hand and of the settlement of the proceeds of sale on the other hand, shall, subject to any order of the court, be effected by separate instruments, but in such manner as to secure that the same persons shall become the trustees of the vesting instrument or conveyance on trust for sale as become the trustees of the settlement relating thereto;

(*d*) Where new trustees of a vesting instrument (relating to the legal estate in settled land) are

appointed, a memorandum of the names and addresses of the persons who are for the time being the trustees thereof for the purposes of the Settled Land Acts shall be endorsed on or annexed thereto by or on behalf of the trustees of the settlement, and the vesting instrument shall, for that purpose, be produced by the person having the possession thereof to the trustees of the settlement when so required;

(*e*) Where new trustees of a conveyance on trust for sale (relating to a legal estate) are appointed, a memorandum of the persons who are for the time being the trustees for sale shall be endorsed on or annexed thereto by or on behalf of the trustees of the settlement of the proceeds of sale, and the conveyance shall, for that purpose, be produced by the person having the possession thereof to such trustees when so required.

(3) This section only applies to settlements and dispositions of land, and the restrictions imposed on the number of trustees shall not apply to land vested in trustees for charitable, ecclesiastical, or public purposes, or where the net proceeds are held for like purposes; nor to the trustees of a term of years absolute limited by a settlement on trusts for raising money, or of a like term created under section forty-four of the Conveyancing Act, 1881.

Provisions relating to appointments of new trustees.

110.—(1) Where a sole trustee (other than a trust corporation) is or has been originally appointed to act in a trust, or where, in the case of any trust, there are not more than three trustees (none of them being a trust corporation) either original or substituted and whether appointed by the High Court or otherwise, then and in any such case the person or persons nominated for the purpose of appointing new trustees by the instrument, if any, creating the trust, or if there is no such person, or no such person able and willing to act, then the trustee or trustees for the time being, may, by writing, appoint another person or other persons to be an additional trustee or additional trustees, but (save as provided by the instrument, if any, creating the trust, or by any statutory enactment to the contrary) it shall not be obligatory to appoint any additional trustee, nor shall the number of trustees be increased beyond four by virtue of any such appointment.

(2) Where a trustee has been removed under a power contained in the instrument creating the trust, then a new trustee or new trustees may be appointed in the place of the trustee who is removed, as if he were dead, or, in the case of a corporation, as if the corporation desired to be discharged from the trust, and the provisions of the Trustee Act, 1893, shall apply accordingly, but subject to the restrictions imposed by this Act on the number of trustees.

(3) Where a corporation being a trustee is or has been dissolved either after or before the commencement of this Act, then for the purposes of section ten of the Trustee Act, 1893, the corporation shall, from the date of the dissolution, become and be deemed to have been incapable of acting in the trusts or powers reposed in or conferred on the corporation.

(4) The power of appointment given by subsection (1) of section ten of the Trustee Act, 1893 (or by the enactment which it replaced), to the personal representatives of a last surviving or continuing trustee shall be, and shall be deemed to have always been, exercisable by the executors for the time being (whether original or by representation) of such surviving or continuing trustee who have proved the will of their testator or by the administrators for the time being of such trustee without the concurrence of any executor who has renounced or has not proved.

(5) But a sole or last surviving executor shall have, and be deemed always to have had, power, at any time before renouncing probate, to exercise the power of appointment given by section ten aforesaid (or by the enactment which it replaced), if willing to act for that purpose and without thereby accepting the office of executor.

(6) The provisions of subsections (3), (5), and (6) of section ten of the Trustee Act, 1893, shall apply to this section as if those provisions were re-enacted in this section.

(7) Where an infant is absolutely entitled under the will or on the intestacy of a person dying before or after the commencement of this Act (in this subsection called "the deceased") to a legacy, or to the residue of the estate of the deceased, or any share thereof, and such legacy, residue, or share is not, under the will (if any) of the deceased, devised or bequeathed to trustees for the

infant, the personal representative or representatives of the deceased may appoint a trust corporation or two or more individuals not exceeding four (whether or not including the personal representative or representatives or one or more of the personal representatives) to be the trustee or trustees of such legacy, residue, or share for the infant, and to be trustees of any land being or forming part of such residue or share for the purposes of the Settled Land Acts, and of section forty-two of the Conveyancing Act, 1881, and may execute or do any assurance or thing requisite for vesting such legacy, residue, or share in the trustee or trustees so appointed, and thereupon the personal representative or representatives, as such, shall be discharged from all further liability in respect of such legacy, residue, or share, and the same may be retained in its existing condition or state of investment or may be converted into money, and such money may be invested in any authorised investment. And where a personal representative has, before the commencement of this Act, retained such legacy, residue, or share, and invested the same in any investments authorised for the investment of trust money, he shall not (subject to any order of the court made before such commencement) be deemed to have incurred any liability on that account or by reason of not having paid or transferred the money or property into court.

(8) In subsection (1) of section twenty-five of the Trustee Act, 1893, the words " or, being a corporation, is in liquidation or has been dissolved " are hereby inserted after the word " bankrupt."

(9) For the words " at least two trustees to perform the trust " in paragraph (*c*) of subsection (2) of section ten of the Trustee Act, 1893, the words " either a trust corporation or at least two individuals to act as trustees to perform the trust " are hereby substituted.

(10) For the words " where there are more than two trustees if one of them " in subsection (1) of section eleven of the Trustee Act, 1893, the words " where after " the execution of the deed of discharge there will be " either a trust corporation or at least two individuals to " act as trustees to perform the trust, if any other " trustee " are hereby substituted.

(11) After the words " incapable of acting therein " in subsection (1) of section ten of the Trustee Act, 1893, the words " or is an infant " are hereby inserted ; and after

the words "being incapable" in the same subsection, the words "or an infant" are hereby inserted.

(12) Where the High Court appoints a corporation (other than the Public Trustee) to be a trustee either solely or jointly with another person, the court may authorise the corporation to charge such remuneration for its services as trustee as the court may think fit.

Evidence as to a vacancy in a trust.

111.—(1) A statement, contained in any instrument by which a new trustee is appointed for any purpose connected with land, to the effect that a trustee has remained out of the United Kingdom for more than twelve months or refuses or is unfit to act, or is incapable of acting, shall, in favour of a purchaser of a legal estate, be conclusive evidence of the matter stated.

(2) In favour of such purchaser any appointment of a new trustee depending on that statement, and any vesting declaration (express or implied) consequent thereon, shall be valid.

Vesting declarations.

112.—(1) For removing doubts, it is hereby declared that a vesting declaration made either after or before the commencement of this Act shall, notwithstanding that the estate interest or right to be vested is not expressly referred to, and provided that the other requirements of section twelve of the Trustee Act, 1893, or of the enactment which it replaced, are or were complied with, operate, and be deemed always to have operated (but without prejudice to any express provision to the contrary contained in the deed of appointment or discharge), to vest in the persons respectively referred to in subsections (1) and (2) of that section (as the case may require) such estates interests and rights as are or were capable of being and ought to be or to have been vested in those persons.

(2) Every deed executed after the commencement of this Act by which a new trustee is appointed to perform any trust, or by which a retiring trustee is discharged under the Trustee Act, 1893, shall, if and when sufficiently stamped for that purpose, and subject to any express provision to the contrary contained in the deed, operate, without any express vesting declaration, as if it had contained a declaration made pursuant to the provisions of subsections (1) or (2) of section twelve aforesaid (as the case may require) relating to such estates interests

and rights as, according to the circumstances of the case, were capable of being vested under that section.

(3) In subsection (3) of section twelve aforesaid and in the enactment which it replaced the expression "customary land" shall not be deemed ever to have included land, in regard to which the tenant had power to dispose of the legal estate by deed, and the expression "land conveyed by way of mortgage" shall not include, or be deemed ever to have included, land conveyed on trust for securing debentures or debenture stock.

(4) After the commencement of this Act, section twelve of the Trustee Act, 1893, and subsection (2) of this section shall not extend to land held under a lease which contains any covenant, condition, or agreement against assignment or disposing of the land without licence or consent unless, prior to the execution of the deed containing such declaration as mentioned in section twelve aforesaid, or the deed mentioned in subsection (2) of this section, the requisite licence or consent has been obtained or by virtue of any statute or rule of law, the vesting declaration would not operate as a breach of covenant or give rise to a forfeiture. In this subsection "lease" includes an underlease and an agreement for a lease or underlease.

Vesting orders.

113.—(1) In clause (i) of section twenty-six of the Trustee Act, 1893, and in clause (i) of subsection (1) of section thirty-five of the same Act, after the words "Where the High Court appoints or has appointed a new trustee" the following words are hereby inserted in both places, namely, "or where a new trustee has been appointed, out of court, under any statutory or express power"; and the words "by the court" in the proviso (*a*) at the end of subsection (1) of section thirty-five aforesaid are hereby repealed.

(2) In clause (ii) (*c*) of section twenty-six aforesaid and in clause (ii) (*c*) of subsection (1) of section thirty-five aforesaid after the words "cannot be found," the following words are hereby inserted in both places, namely, "or being a corporation has been dissolved":

Provided that nothing in this subsection shall prejudicially affect any order made before the commencement of this Act.

(3) Where, by reason of the dissolution of a corporation either before or after the commencement of this Act, a legal estate in any property has determined, the High Court may by order create a corresponding estate and vest the same in the person who would have been entitled to the estate which determined had it remained a subsisting estate.

Vesting orders in relation to infant's beneficial interests.

114. Where an infant is beneficially entitled to any property the High Court may, with a view to the application of the capital or income thereof for the maintenance, education, or benefit of the infant, make an order appointing a person to convey such property, or, in the case of stock, or a chose in action, vesting in any person the right to transfer or call for a transfer of such stock, or to receive the dividends or income thereof, or to sue for and recover such chose in action upon such terms as the High Court shall think fit.

Alimentary trusts.

115.—(1) Where any income (including an annuity or other periodical income payment) is directed to be held on alimentary trusts for the benefit of any person (in this section called "the principal beneficiary") for the period of his life or for any less period, then, during that period (in this section called the "trust period"), the said income shall, without prejudice to any prior interest, be held on the following trusts, namely:—

(i) Upon trust for the principal beneficiary during the trust period or until he (whether before or after the termination of any prior interest) does or attempts to do or suffers any act or thing or until any event happens (other than an advance under any statutory or express power) whereby if the said income were payable during the trust period to the principal beneficiary absolutely during that period he would be deprived of the right to receive the same or any part thereof, in any of which cases, as well as on the termination of the trust period, which first happens, this trust of the said income shall fail or determine;

(ii) If the trust aforesaid fails or determines during the subsistence of the trust period, then, during the residue of that period, the said income shall be held upon trust for the application thereof for the maintenance, support, or otherwise for the benefit of all or any one or more exclusively of

the other or others of the principal beneficiary and his or her wife or husband, if any, and his or her children or more remote issue, if any, as the trustees in their absolute discretion, without being liable to account for the exercise of such discretion, think fit, or if there shall be no wife, husband, or issue of the principal beneficiary in existence, then, for the maintenance, support, or otherwise for the benefit of all or any one or more exclusively of the other or others of the principal beneficiary and the persons who would, if he were actually dead, be entitled to the trust property or the income thereof or of the annuity fund, if any, or arrears of the annuity, as the case may be, as the trustees in their absolute discretion, without being liable to account as aforesaid, think fit.

(2) This section only applies to trusts coming into operation after the commencement of this Act, and shall have effect subject to any variation of the implied trusts aforesaid contained in the instrument creating the trust.

(3) Nothing in this section shall operate to validate any trust which, if contained in the instrument creating the trust, would be liable to be set aside.

Amendment of section 47 of the Trustee Act, 1893.

116.—(1) Section forty-seven of the Trustee Act, 1893, shall have effect, and shall be deemed always to have had effect, as if the words "and trustees for the purposes of section forty-two of the Conveyancing Act, 1881," had been inserted therein after the words "Settled Land Acts, 1882 to 1890."

(2) Section forty-seven aforesaid shall apply to vesting instruments as well as to settlements.

Protection to personal representatives and trustees in respect of rents, covenants, &c., after conveyance. 22 & 23 Vict c. 35.

117.—(1) In sections twenty-seven and twenty-eight of the Law of Property Amendment Act, 1859, after the words "to a purchaser thereof" the words "or to a legatee, devisee or other person entitled to call for a conveyance thereof," and after the words "to distribute the residuary" the words "real and" are hereby respectively inserted in each of those sections.

(2) In sections twenty-seven and twenty-eight aforesaid the expressions "assignment" and "conveyance" include an assent by a personal representative operating to vest the property in any person, and in section twenty-seven aforesaid "lease" includes an underlease.

(3) Sections twenty-seven and twenty-eight aforesaid (as so amended) shall apply to conveyances executed by trustees after the commencement of this Act, and to the distribution of the trust property in like manner as those sections apply to conveyances by personal representatives and to the distribution of the property of the deceased, but without prejudice to the right of the lessor or grantor and the persons respectively deriving title under him to follow the trust property into the hands of the persons amongst whom the same may have been distributed.

Protection to trustees by means of advertisements.

118.—(1) With a view to the conveyance to or distribution among the persons entitled to any real or personal property, the trustees of a settlement or of a disposition on trust for sale, may give notice by advertisements in the Gazette, and in a daily London newspaper and (but only in the case of land not situated in the county of London) in a daily or weekly newspaper circulating in the district in which the land is situated, and such other like notices (including notices elsewhere than in England) as would, in any special case, have been requisite in order to comply with section twenty-nine of the Law of Property Amendment Act, 1859, in the case of an intended distribution of assets by a personal representative, of their intention to make such conveyance or distribution as aforesaid, and requiring any person interested to send particulars of his claim in respect of the property or any part thereof, to which the notice relates, to the trustees, within the time (not being less than two months) fixed in the notice or, where more than one notice is given, in the last of the notices.

(2) At the expiration of the time fixed by the notice the trustees may convey or distribute the property or any part thereof, to which the notice related, to or among the persons entitled thereto, having regard only to the claims (formal or otherwise) of which the trustees then had notice and (if the requisite notice has been given) shall not, as respects the property so conveyed or distributed, be liable to any person of whose claim the trustees shall not have had notice at the time of conveyance or distribution; but nothing in this section shall prejudice the right of any person to follow the property, or any property representing the same, into the hands of any person (other than a purchaser) who may have received the same.

Powers of trustees supplementary to powers of investment.

119.—(1) Trustees lending money on the security of any property on which they can lawfully lend may contract that such money shall not be called in during any period not exceeding seven years from the time when the loan was made, provided interest be paid within a specified time not exceeding thirty days after every half-yearly or other day on which it becomes due, and provided there shall be no breach of any covenant by the borrower contained in the mortgage security for the maintenance and protection of the property.

(2) On a sale of land for an estate in fee simple or for a term having at least five hundred years to run by trustees or by a tenant for life of full age or statutory owner, the trustees, or the tenant for life or statutory owner on behalf of the trustees of the settlement, may contract that the payment of any part, not exceeding two-thirds, of the purchase money shall be secured by a charge by way of legal mortgage or a mortgage by demise for a term of not less than five hundred years, of the land sold, with or without the security of any other property such charge or mortgage to contain covenants by the mortgagor to pay the principal money secured and the interest thereon, and also to keep all buildings (if any) comprised therein insured against loss or damage by fire to the full value thereof; and the trustees shall not be bound to obtain any report as to the value of the land or other property to be comprised in such charge or mortgage, or any advice as to the making of the loan, and shall not be liable for any loss which may be incurred by reason only of the security being insufficient at the date of the charge or mortgage; and the trustees of the settlement shall be bound to give effect to such contract made by the tenant for life of full age or statutory owner.

(3) Where any securities of a company are subject to a trust, and the trustees can lawfully hold or retain the same, they may concur in any scheme or arrangement for the reconstruction of such company, or for the sale of all or any part of the property and undertaking of such company to, or for its amalgamation with, any other company, or for the release modification or variation of any rights, privileges, or liabilities attached to such securities or any of them, in like manner as if they were entitled to such securities beneficially, with power to

accept any securities of any denomination or description of the reconstructed or purchasing or new company in lieu of or in exchange for all or any of the first-mentioned securities; and the trustees shall not be responsible for any loss occasioned by any act or thing so done in good faith, and may hold and retain any securities so accepted as aforesaid in like manner as they could have done if the same had been authorised by the instrument (if any) creating the trust or by law for the investment of money subject to the trust.

(4) If any preferential right to subscribe for any securities in any company shall be offered to trustees in respect of any previous holding in such company, they may, as to all or any of such securities, either exercise such right and apply capital money subject to the trust in payment of the consideration, or renounce such right, or assign for the best consideration that can be reasonably obtained the benefit of such right or the title thereto to any person, including any beneficiary under the trust, without being responsible for any loss occasioned by any act or thing so done by them in good faith: Provided that the consideration for any such assignment shall be held as capital money of the trust.

(5) The powers conferred by this section shall be exercisable subject to the consent of any person whose consent to a change of investment is required by law or by the instrument (if any) creating the trust.

(6) Where the loan referred to in subsection (1) of this section or the sale referred to in subsection (2) of this section is made under the order of the High Court, the powers conferred by those subsections respectively shall apply only if and as far as the court shall by order direct.

(7) This section applies only if and as far as a contrary intention is not expressed in the instrument (if any) creating the trust, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(8) This section applies to trusts constituted or created either before or after the commencement of this Act.

Various powers of trustees.

120.—(1) Trustees may, pending the negotiation and preparation of any security, or during any other time while an investment is being sought for, pay any trust money

into a bank to a deposit or other account, and all interest (if any) payable in respect thereof shall be applied as income.

(2) Trustees may deposit any documents held by them relating to the trust, or to the trust property, with any banker or banking company or any other company whose business it is to undertake the safe custody of documents, and any sum payable in respect of such deposit shall be paid out of the income of the trust property.

(3) Trustees may apply capital money subject to a trust in payment of the calls on any shares subject to the same trust.

(4) Where trust property consists of or includes any share or interest in property or the proceeds of the sale of property not vested in the trustees, or any other thing in action, the trustees on the same falling into possession, or becoming payable or transferable—

(*a*) may agree or ascertain the amount or value thereof or any part thereof in such manner as they shall think fit;

(*b*) may accept in or towards satisfaction thereof, at the market or current value, or upon any valuation or estimate of value which they shall think fit, any securities authorised by the instrument (if any) creating the trust or by law for the investment of money subject to the trust;

(*c*) may allow any deductions for duties, costs, charges and expenses which they may think proper or reasonable; and

(*d*) may execute any release in respect of the premises, so as effectually to discharge all accountable parties from all liability in respect of any matters coming within the scope of such release, without being responsible for any loss occasioned by any act or thing so done by them in good faith.

(5) The trustees shall not be under any obligation to place any distringas notice or apply for any stop or other like order upon any securities or other property out of or on which such share or interest or other thing in action is derived, payable or charged, or to take any proceedings on account of any act, default, or neglect on the part of the persons in whom such securities or other property or any of them or any part thereof are for the time being or had at any time been vested, unless and until required

in writing so to do by some person or the guardian of some person beneficially interested under the trust, and unless also due provision shall be made to their satisfaction for payment of the costs of any proceedings required to be taken, but may if they think fit refer the said matters to some such person or guardian as aforesaid, and the trustees shall not be chargeable with breach of trust by reason only of any omission in any of the matters aforesaid, except when required and upon due provision made as aforesaid, but nothing in this subsection shall relieve the trustees of the obligation to get in and obtain payment or transfer of such share or interest or other thing in action on the same falling into possession.

(6) Trustees may, for the purpose of giving effect to the trust or any of the provisions of the instrument (if any) creating the trust or of any statute, from time to time (by duly qualified agents) ascertain and fix the value of any trust property in such manner as they think proper, and any valuation so made in good faith shall be binding upon all persons interested under the trust.

(7) Trustees may, in their absolute discretion, from time to time (but not more than once in every three years unless the nature of the trust, or any special dealings with the trust property, make it reasonable) cause the accounts of the trust property to be audited by an independent accountant, and shall, for that purpose, produce such vouchers, and give such information to him as he shall require; and the costs of such audit (including the fee of the auditor) shall be paid out of the capital or income of the trust property, or partly in one way and partly in the other, as the trustees shall, in their absolute discretion, think fit, but, in default of any direction (in any special case) by the trustees to the contrary, costs attributable to capital shall be borne by capital and those attributable to income by income.

(8) A trustee having power to invest in real securities may accept the security in the form of a charge by way of legal mortgage, and may, in exercise of the statutory power, convert an existing security into a charge by way of legal mortgage.

(9) A trust or power to sell or dispose of land includes a trust or power to sell or dispose of part thereof, whether the division is horizontal, vertical, or otherwise.

(10) This section applies only if and as far as a contrary intention is not expressed in the instrument

(if any) creating the trust, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(11) This section applies to trusts constituted or created either before or after the commencement of this Act.

Power of advancement.

121.—(1) Where under a trust a person is entitled to the capital of the trust property or of any share thereof, whether absolutely or contingently on his attaining any specified age or on the occurrence of any other event, or subject to a gift over on his death under any specified age or on the occurrence of any other event, and whether in possession or in remainder or reversion, the trustees may from time to time pay or apply any capital money subject to the trust, not exceeding altogether in amount one-half of the value of such property or share, for the advancement or benefit of such person in such manner as the trustees shall in their absolute discretion think fit:

Provided that—

(*a*) If such person is or becomes absolutely and indefeasibly entitled to a share in the trust property the money so paid or applied shall be brought into account as part of such share; and

(*b*) No such payment or application shall be made so as to prejudice any person entitled to any prior life or other interest, whether vested or contingent, in the money paid or applied without the consent in writing of such person.

(2) This section applies only where the trust property consists of money or securities or property held upon trust for sale calling in and conversion, and such money or securities, or the proceeds of such sale calling in and conversion are not by statute or in equity considered as land, or applicable as capital money for the purposes of the Settled Land Acts.

(3) This section applies only if and as far as a contrary intention is not expressed in the instrument (if any) creating the trust, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(4) This section applies only to trusts constituted or created after the commencement of this Act.

Power to raise money by sale, mortgage, &c.

122.—(1) Where trustees are authorised by the instrument (if any) creating the trust or by law to pay or apply capital money subject to the trust for any purpose or in any manner, they shall have and shall be deemed always to have had power to raise the money required by sale, conversion, calling in, or mortgage of all or any part of the trust property.

(2) This section does not apply to trustees of a settlement within the meaning of the Settled Land Acts.

Power for the High Court to authorise dealings with trust property.

123.—(1) Where in the management or administration of any property vested in trustees, any sale, lease, mortgage, surrender, release, or other disposition, or any purchase, investment, acquisition, expenditure, or other transaction, shall in the opinion of the High Court be expedient, but the same cannot be effected by reason of the absence of any power for that purpose vested in the trustees by the trust instrument (if any), or by law, the court may by order confer upon the trustees, either generally or in any particular instance, the necessary power for the purpose, on such terms, and subject to such provisions and conditions (if any), as the court may think fit and may direct in what manner any money authorised to be expended, and the costs of any transaction, are to be paid or borne as between capital and income.

(2) The court may, from time to time, rescind or vary any order made under this section, or may make any new or further order.

(3) An application to the court under this section may be made by the trustees, or by any of them, or by any person beneficially interested under the trust.

(4) This section does not apply to trustees of a settlement within the meaning of the Settled Land Acts.

(5) Where any chattels belong to persons in undivided shares, the persons interested in a moiety or upwards may apply to the High Court for an order for division of the chattels or any of them, according to a valuation or otherwise, and the Court may make such order and give any consequential directions as it thinks fit.

Provision for protection of purchasers and mortgagees.

124. No purchaser or mortgagee, paying or advancing money on a sale or mortgage purporting to be made under any trust or power vested in trustees, shall be concerned

to see that such money is wanted, or that no more than is wanted is raised, or otherwise as to the application thereof.

Power to employ agents, and to concur with others.

125.—(1) Trustees, executors, or administrators may, instead of acting personally, employ and pay an agent, whether being a solicitor, banker, stockbroker, or any other person to transact any business or do any act required to be transacted or done in the execution of the trust, or the administration of the testator's or intestate's estate, including the receipt and payment of money, and shall be entitled to be allowed and paid all charges and expenses so incurred, and shall not be responsible for the default of any such agent if employed in good faith.

(2) Trustees, executors, or administrators may appoint any person to act as their agent or attorney for the purpose of selling, converting, collecting, getting in, and executing and perfecting assurances of, or managing, or cultivating, or otherwise administering any property, real or personal, moveable or immoveable, subject to the trust or forming part of the testator's or intestate's estate, in any place outside the United Kingdom, or executing or exercising any discretion or trust or power vested in them in relation to any such property, with such ancillary powers, and with and subject to such provisions and restrictions as they may think fit, including a power to appoint substitutes, and shall not, by reason only of their having made such appointment, be responsible for any loss arising thereby.

(3) Where an undivided share in the proceeds of sale of land directed to be sold, or in any other property, is subject to a trust, or forms part of the estate of a testator or intestate, the trustees or executors or administrators may (without prejudice to the trust for sale affecting the entirety of the land and the powers of the trustees for sale in reference thereto) execute or exercise any trust or power vested in them in relation to such share, in conjunction with the persons entitled to or having power in that behalf over the other share or shares, and notwithstanding that any such trustee, executor or administrator may be entitled to or interested in any such other share, either in his own right or in a fiduciary capacity.

(4) This section applies only if and as far as a contrary intention is not expressed in the instrument (if

any) creating the trust and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(5) This section applies to trusts executorships and administratorships constituted or created either before or after the commencement of this Act.

Application of insurance money where policy kept up under any trust, power, or obligation.

126.—(1) Money receivable by trustees or any beneficiary under a policy of assurance against the loss or damage of any property subject to a trust or to a settlement within the meaning of the Settled Land Acts, whether by fire or otherwise, shall where the policy has been kept up under any trust in that behalf, or under any power statutory or otherwise, or in performance of any covenant, or of any obligation statutory or otherwise, or by a tenant for life impeachable for waste, be capital money for the purposes of the trust or settlement, as the case may be.

(2) If such money is receivable by any person, other than the trustees of the trust or settlement, such person shall recover and receive the same, and pay the net residue of such money, after discharging any costs of recovering and receiving the same, to the trustees of the trust or settlement, or, if there shall be no trustees capable of giving a discharge for the same, into the High Court.

(3)—(*a*) If such money was receivable in respect of settled land within the meaning of the Settled Land Acts, or any building or works thereon, the same shall be deemed to be capital money arising under those Acts from the settled land, and shall be invested or applied by the trustees or (if in court) under the direction of the Court accordingly.

(*b*) If such money was receivable in respect of personal chattels settled as mentioned in section thirty-seven of the Settled Land Act, 1882 (as amended), the same shall be deemed to be capital money arising under the Settled Land Acts, and shall be applicable by the trustees or (if in court) under the direction of the Court in like manner as provided by subsection (2) of section thirty-seven aforesaid with respect to money arising by a sale of such chattels under that section.

(*c*) If such money was receivable in respect of property held upon trust for sale, the same shall be held upon the trusts and subject to the powers and provisions applicable to money arising by a sale under such trust.

(*d*) In any other case such money shall be held upon trusts corresponding as nearly as may be with the trusts affecting the property in respect of which it was payable.

(*e*) Such money, or any part thereof, may also be applied by the trustees, or (if in court) under the direction of the court, in rebuilding, reinstating, replacing, or repairing the property lost or damaged, but any such application by the trustees shall be subject to the consent of any person whose consent is required by the instrument (if any) creating the trust to the investment of money subject to the trust, and, in the case of money which is deemed to be capital money arising under the Settled Land Acts, subject to the provisions of those Acts with respect to the application of capital money by the trustees of the settlement.

(4) Nothing contained in this section shall prejudice or affect the right of any person to require such money or any part thereof to be applied in rebuilding, reinstating, or repairing the property lost or damaged, or the rights of any mortgagee, lessor, or lessee, whether under any statute or otherwise.

(5) This section applies only if and as far as a contrary intention is not expressed in the instrument (if any) creating the trust or settlement, and shall have effect subject to the terms of that instrument and to any provisions therein contained.

(6) This section applies to a trust or settlement and to policies created or effected either before or after the commencement of this Act, but only to money received after the commencement of this Act.

Construction.

127. This Part of this Act shall be construed with the Trustee Act, 1893, and the Trustee Act, 1893, Amendment Act, 1894, and may be cited with those Acts as the Trustee Acts, 1893 to 1922, but without prejudice to the general definitions contained in Part XI. of this Act, which, where applicable, shall apply to those Acts.

PART V.

ABOLITION OF COPYHOLD AND CUSTOMARY TENURE.

Abolition of Copyholds.

Enfranchisement of copyholds.

128.—(1) As from the commencement of this Act, every parcel of copyhold land shall by virtue of this Act

be enfranchised and cease to be of copyhold or customary tenure, and land so enfranchised is in this Act referred to as enfranchised land.

(2) The enfranchisement by virtue of this Part of this Act shall have the effect stated in the Twelfth Schedule to this Act:

Provided that (save as otherwise expressly provided) nothing in this Part of this Act shall affect the following manorial incidents; that is to say—

(*a*) quit rents and chief rents and other similar rents or payments;

(*b*) fines, reliefs, heriots, and dues (including fees payable to stewards);

(*c*) forfeitures, other than forfeitures for the conveyance or attempted conveyance of an estate of freehold in the land, and for alienation without licence whether by way of sale, lease, mortgage or otherwise;

(*d*) rights as to timber;

and accordingly (subject to the provisions of this Act) the enfranchised land and the persons for the time being entitled thereto shall, until the manorial incidents so saved are extinguished, remain subject thereto in like manner as if the land had not been enfranchised; but so that in lieu of any chattel liable to be seized as a heriot a sum equal to the value thereof shall be payable.

(3) Modes of assurance authorised by special custom are hereby abolished; and all land (including land held in free tenure but subject to custom) shall be dealt with as land held in free and common socage discharged from custom.

Endorsement of assurances of enfranchised land by stewards.

129.—(1) So long as any of the manorial incidents saved by the last preceding section remain unextinguished as respects any enfranchised land, an assurance of that land, or of any interest therein, shall, subject as hereinafter provided, on the expiration of six months from the date of its execution, or of such extended period as the court may either before or after the expiration of those six months for any special reasons allow, become void so far as regards the grant or conveyance of a legal estate, unless the assurance has been produced to the steward of the manor.

(2) On production to him within the time allowed for the purpose of such an assurance and on payment of

any fines, reliefs or heriots payable in respect of the transaction, the arrears (if any) in respect of any former transaction affecting the same land, and all quit or other rents, and of the prescribed fee, the steward shall forthwith return the assurance and endorse the same with a certificate in the prescribed form and manner denoting that the assurance has been so produced and if he fails to do so or refuses to accept a proper tender of the fines, reliefs, heriots, rents and fee, he shall be liable to indemnify any person who suffers or incurs any damage or expense in consequence of such failure or refusal: Provided that, if any dispute arises as to the amount payable in respect of fines, reliefs, heriots, rents or fees, the amount demanded shall be paid or tendered, without prejudice to the right to recover any part not properly payable.

(3) Such a certificate as aforesaid duly endorsed on an instrument shall be conclusive evidence that the instrument was produced to the steward within the time allowed, and a certificate on an instrument purporting to be such a certificate as aforesaid shall be taken to have been duly endorsed thereon by the steward of the manor, unless the contrary is proved.

(4) If at any time it is proved to the satisfaction of the Lord Chancellor that there is and has been for at least three months a vacancy in the office of steward of any manor and that by reason of such vacancy any delay has been caused in the endorsement of an assurance, or that the steward is unwilling or unable to perform the duties imposed on him under the provisions of this section, the Lord Chancellor may, after giving at least one month's notice to the steward, if any, and to the lord (who shall have power to remove the steward and appoint another person in his place) and in default of such appointment, make an order transferring those duties to the Land Registrar, and on the making of such an order those duties shall, as respects that manor, be transferred to the Land Registrar, and this section shall apply accordingly with this modification, that the Land Registrar shall endorse the assurance with the prescribed certificate after ascertaining that all fines, reliefs or heriots payable in respect of the transaction and rents have been paid.

If after such order has been made the steward (if any) acts or attempts to act under this section he shall

be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

A certificate by the Land Registrar endorsed on an instrument that the instrument has been produced to him shall be conclusive evidence that the duties of the steward of the manor have been so transferred as aforesaid.

(5) The foregoing provisions of this section shall not apply where the land has been registered under the Land Transfer Acts, 1875 and 1897, and the assurance is one which is capable of being registered under those Acts:

38 & 39 Vict. c. 87.
60 & 61 Vict. c. 65.

Provided that the Land Registrar shall not register any transfer of any such land, or any other transaction in relation to the land, or enter notice of any such other transaction until he has ascertained that all fines, reliefs, heriots and fees payable in respect of the transaction and rents have been paid, or that no fines, reliefs, heriots, rents or fees are payable.

(6) For the purpose of enabling the Land Registrar in any case under the last preceding subsection to ascertain whether fines, reliefs, heriots, rents and fees, have been paid, the steward (if any) shall, on the request of any person interested and on payment of the prescribed fee, give to that person a certificate that the fines, reliefs, heriots, and fees payable in respect of any transaction and rents, including arrears, if any, as aforesaid, have been paid if that be the case, or that no fines, reliefs, heriots, rents or fees are payable, if that be the case, and if in either of those cases the steward (if any) neglects to comply with such request, or if he refuses to accept a proper tender of the fines, reliefs, heriots, rents and fees, he shall be liable to indemnify any person who suffers any loss or expenses in consequence of such neglect or refusal: Provided that, if any dispute arises as to the amount payable in respect of fines, reliefs, heriots, rents or fees, the amount demanded shall be paid or tendered, without prejudice to the right to recover any part not properly payable.

(7) Until the lord appoints a steward he shall, for the purposes of this section, be subject to the same obligations as if he were the steward.

(8) Where the duties of the steward under this section have been transferred to the Land Registrar as aforesaid, the lord shall cause any prescribed stamp used for the purpose of endorsing certificates on assurances under this section to be transferred to the Land Registrar together

with the court rolls and the Land Registrar shall hold the court rolls as agent of the lord for safe custody.

(9) For the purposes of this section, the expression "assurance" does not include a will or a grant or assignment of a lease or tenancy for a year or less or from year to year, but does include an assent by a personal representative, and an order of a court of competent jurisdiction or other competent authority and a vesting declaration, operating to vest land or any interest therein in any person, and where an assurance by a personal representative is produced for endorsement the probate of the will, or the letters of administration, shall also be produced by the personal representative at the cost of the person requiring the production.

(10) Where in any manor the practice has been adopted of leaving the customary estate in fee simple outstanding in a trustee or terre tenant on trusts for creating perpetual rentcharges or other derivative interests which under this Act are capable of subsisting as legal estates, then, if the fines, reliefs, heriots, and rents payable do not together amount to more than five shillings, an attested copy of the assurance (with any plans thereto), which (independently of this subsection) ought to have been produced to the steward, may, instead of the original being produced, be sent, on or before the expiration of six months from the date of the execution of the assurance, by registered post or delivered with a sum of ten shillings (in satisfaction of the steward's fees and the customary payments aforesaid) to the steward, who shall thereupon send by registered post or deliver a receipt for the said attested copy and money; and such receipt, signed by or on behalf of the steward, shall be conclusive evidence that the requirements of this section have been complied with in regard to the transaction effected by the assurance; and if the steward fails or refuses to send or deliver the aforesaid receipt he shall be liable to indemnify any person who suffers or incurs any damage or expense in consequence of such failure or refusal.

(11) This section does not apply to dealings with interests not affected by manorial incidents.

Provisions as to fines and heriots.

130.—(1) Until the manorial incidents saved by this Part of this Act have been extinguished the same fines shall (subject as hereinafter provided) be payable on any

transaction (formerly capable of being effected by a customary assurance), which would have been payable if the land had remained copyhold and the transaction had been effected by a customary assurance, and the same payments in lieu of heriots shall be payable on the same occasions on which a heriot would have accrued if the land had remained copyhold.

(2) Where any enfranchised land is alienated whether by way of sale, lease, mortgage, or otherwise, and such alienation without the licence of the lord would have given rise to a right to forfeit if this Part of this Act had not been passed, then, so long as the manorial incidents saved by this Part of this Act remain unextinguished, the like fine shall be payable in respect of the alienation as would have been payable for a licence authorising the alienation:

Provided that, where the fine payable for such a licence is not fixed by the custom of the manor, the fine payable shall be such reasonable fine as in default of agreement between the lord and tenant may be fixed on the application either of the lord or the tenant by the Minister.

(3) Subject to the provisions of subsection (2) of this section, no fine shall be payable in respect of a mortgage of enfranchised land unless and until the mortgagee in exercise of any power of sale express or implied conferred by the mortgage conveys the land to a purchaser, or transfers the mortgage without the concurrence of the mortgagor, or the right of redemption is extinguished by foreclosure or otherwise.

(4) Nothing in this section shall affect the right of the lord to a double fine on a conveyance by a mortgagee, who had not been admitted before the commencement of this Act, to a purchaser, or on a transfer of his mortgage without the concurrence of the mortgagor, or on the extinguishment of the right of redemption under any such mortgage.

(5) Fines and heriots (whether payable before or after the commencement of this Act) shall be recoverable as simple contract debts and not otherwise, and shall not be recoverable (in the case of fines and heriots becoming payable after such commencement) after the expiration of six years from the date when they become payable,

or (in the case of fines and heriots payable at the commencement of this Act) after the expiration of six years from such commencement.

Provisions as to fees.

131.—(1) The steward of a manor shall be entitled to such fees only in respect of transactions effected after the commencement of this Act as may be prescribed by the Minister:

Provided that, where the steward is appointed before the passing of this Act, the following provisions shall (save as expressly provided in this Part of this Act) have effect, namely:—

(i) Where the transaction is one in respect of which a customary fee would have been payable if the land had not been enfranchised the prescribed fee shall be the customary fee; and

(ii) Where the transaction is a mortgage the prescribed fee shall be such customary fee as would have been payable on the conditional surrender of the land if it had not been enfranchised; and

(iii) Where the customary fee is regulated by the length of the customary assurance or other entry on the court rolls then the prescribed fee shall likewise be regulated by the length of the instrument which, after the commencement of this Act, is used to carry out the transaction or if more than one instrument is so used then by the length of the instrument containing the assurance of the land.

(2) The Land Registrar shall, in respect of the performance of any duty transferred to him from the steward under this Part of this Act, be entitled to such fees as a steward appointed after the commencement of this Act would have been entitled to.

(3) This section shall apply to fees payable in respect of land liable to any heriot, quit rent, free rent, or other manorial incident whatsoever, as well as to fees payable in respect of enfranchised land.

Provisions as to forfeitures.

132.—(1) Any right of forfeiture saved by this Part of this Act shall, until such right is extinguished be enforceable by action to recover possession, as if the freehold had remained vested in the lord, and not otherwise, and as if all preliminary proceedings required by

custom had been taken; but shall not be so enforceable unless and until the lord serves on the tenant a notice specifying the particular act or neglect complained of, and if the act or neglect is capable of remedy requiring the tenant to remedy the same, and in any case requiring the tenant to make compensation in money for the act or neglect, and the tenant fails within a reasonable time thereafter to remedy the act or neglect, if it is capable of remedy, and to make reasonable compensation in money to the satisfaction of the lord for the act or neglect.

(2) Where the lord is proceeding to enforce a right of forfeiture, the tenant or other person interested may, in the lord's action, or in any action brought by himself, apply to the court for relief, and the court may grant or refuse relief as the court having regard to the proceedings and conduct of the parties under the foregoing provisions of this section and to all the other circumstances thinks fit, and in case of relief may grant it on such terms (if any) as to costs, expenses, damages, compensation, penalty, or otherwise, including the granting of an injunction to restrain any like act or neglect in the future, as the court in the circumstances of each case may think fit.

(3) For the purposes of this section, the expression "tenant" includes any person in possession of the land or of the rents and profits thereof; and a right of forfeiture shall not, in any subsequent proceedings, be deemed to have been extinguished if the notice by the lord was served when the right was subsisting.

(4) The provisions of section sixty-seven of the Conveyancing Act, 1881, shall apply to any notice required or authorised to be served under this section.

Application to copyholds for life or years without right of perpetual renewal.

133.—(1) The foregoing provisions of this Part of this Act shall not apply to any copyhold land held under a grant by the lord as copyhold for a life or lives or for years where the tenant has not at the commencement of this Act, a right of perpetual renewal, but in such case the copyhold interest of the tenant shall (save as hereinafter provided) as from the commencement of this Act be converted into a leasehold interest for the life or lives, or for years determinable on the dropping of a life, or for a corresponding legal term of years absolute, as the case may be, and the estate of the lord shall be the fee simple or freehold reversion immediately

expectant on the interest so created, and the benefit of the rents, services, and conditions subject to which the copyhold interest was held shall be incident and annexed to the reversion, and the burden of the covenants or agreements expressed or implied on the part of the lord and the tenant respectively shall run with the reversion and the land respectively; and the lord shall be entitled to a right of re-entry exerciseable after thirty days default in payment of rent or on non-performance or breach of any services, covenants, agreements, or conditions, which ought to be paid, observed, or performed by the tenant, but subject (where applicable) to the provisions of section fourteen of the Conveyancing Act, 1881, as amended by any subsequent enactment.

(2) Every interest by this section vested in the tenant shall (subject to the provisions of Part I. of this Act) be subject to the same trusts, powers, executory limitations over, rights and equities, and to the same covenants and provisions relating to user and enjoyment, and to all the same obligations of every kind, as the copyhold interest affected by this section would have been subject to if it had not been so affected.

(3) Every such interest which, but for this subsection, would have taken effect as an interest for life or lives or determinable on the cesser of a life shall, in accordance with Part VII. of this Act, take effect for a term of ninety years determinable by notice as therein mentioned.

Application to Crown and Duchy lands.

134. This Part of this Act shall extend to manors or lands vested in His Majesty in right of the Crown, or of the Duchy of Lancaster, or in right of the Duchy of Cornwall or the possessions thereof, or in the Duke of Cornwall for the time being, for any estate, whether in possession, reversion, or remainder and as respects—

(*a*) land belonging to His Majesty in right of the Crown, the Commissioners of Woods;

(*b*) land belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;

(*c*) land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall or the possessor

for the time being of the Duchy of Cornwall appoints;

shall, for the purposes of this Act, be entitled to act in the name and on behalf of the lord or tenant or estate owner as the case may require.

Application to perpetually renewable copyholds.

135. Where copyhold land is held for life or lives or for years, whether or not determinable with life, and the tenant has at the commencement of this Act, a perpetual right of renewal, subject or not to the fulfilment of any conditions, then, this Part of this Act shall apply as if the person who at the commencement of this Act was the admitted tenant or had the best right to be admitted in respect of such renewable interest, had been admitted, or (as the case may be) had the best right to be admitted, in respect of the inheritance; save that if the last admitted tenant died before the commencement of this Act his personal representatives shall be deemed to have had the best right to be admitted (but without prejudice to the beneficial rights of his devisee, legatee, statutory next of kin, or other persons claiming under his will or on his intestacy) and the land so enfranchised shall vest in accordance with the provisions of the Twelfth Schedule to this Act.

Saving of Grand and Petty Sergeanty services.

136. Nothing in this Act shall affect the services incident to Grand and Petty Sergeanty (which shall not be deemed to be manorial incidents), but the land affected shall be subject to the provisions of this Act in like manner as if, before the commencement of this Act, it had been held in free and common socage or had been copyhold land as the case may require.

Provisions for the protection of Royal Parks and Gardens.

137. As regards the manors of Hampton Court, in the county of Middlesex, and Richmond, in the county of Surrey, and every or any other manor vested, at the commencement of this Act, in His Majesty in right of the Crown or of the Duchy of Lancaster, and lands adjoining or separated only by a road or boundary wall from any royal park or garden the following provisions for the protection of the amenities of royal parks, gardens, and palaces shall have effect:—

(1) The Commissioners of Works (in this section called "the Commissioners") and all persons authorised by them in that behalf shall have a right of entry upon all enfranchised land adjoining any such boundary wall or the site thereof at

all times in the daytime for the purpose of inspecting the state and condition of the boundary wall and repairing, rebuilding, or reinstating the same.

(2) The Commissioners shall be entitled by deed under their corporate seal (to be enrolled on the court rolls of the manor within six months after execution and to be registered, in respect of restrictions, as a land charge under the Land Charges Registration and Searches Act, 1888, as amended) to impose upon any enfranchised land such conditions, stipulations, and restrictions relating to— 51 & 52 Vict. c. 51.

(*a*) The maintenance, repair, and reinstatement by or by the direction of the Commissioners of the boundary wall of a royal park or garden so far as adjoining the land or comprised in any building thereon;

(*b*) The character, height, and elevation towards the park, or garden of any future building erected on the land or any alteration of any existing building as shall in the opinion of the Commissioners be reasonably necessary for the protection of the amenities of the adjoining or neighbouring royal park or garden.

(3) Before executing any such deed, the Commissioners shall give to the tenant, or leave or affix upon the land or some building thereon, at least one month's written notice of their intention to execute the deed, and of the conditions, stipulations, and restrictions intended to be comprised therein, and shall consider any objections which the tenant or any person interested in the land may offer within the period aforesaid.

(4) The conditions, stipulations, and restrictions imposed by any such deed shall, as from the commencement of this Act, be binding in perpetuity (unless released by the Commissioners) upon the land affected thereby, and the persons from time to time entitled to any estate or interest therein, and shall be enforceable by the Commissioners in like manner as restrictive covenants running (as regards the burden thereof) with the land.

(5) At any time after the expiration of six months from the commencement of this Act, any person interested in any enfranchised land not affected by any such deed already executed by the Commissioners may give to the Commissioners notice in writing requiring them to declare the conditions, stipulations, and restrictions (if any) intended to be imposed on such land, and the Commissioners shall, within three months after the receipt of such notice, execute such deed as aforesaid in relation to such land, or if they shall fail so to do such land shall be free from all such conditions, stipulations, and restrictions as aforesaid.

(6) Every deed executed under this section shall be executed in duplicate, and one part shall be handed to the owner of the land affected, and the other part shall be retained by the Commissioners.

(7) The Commissioners shall have power in their absolute discretion to release either wholly or partially and permanently or otherwise the conditions, stipulations, and restrictions so imposed by them on any enfranchised land or to waive any breach thereof.

(8) Every person having or hereafter acquiring any estate or interest in any enfranchised land shall (provided a land charge is duly registered as aforesaid) be deemed to have acquired such estate or interest with notice of all conditions, stipulations, and restrictions (if any) for the time being affecting the land by virtue of any deed executed pursuant to this section.

PART VI.

EXTINGUISHMENT OF MANORIAL INCIDENTS.

Extinguishment of manorial incidents.

138.—(1) The manorial incidents affecting enfranchised land saved by Part V. of this Act, and all manorial incidents of a like nature affecting any other land shall by virtue of this Act be extinguished in respect of the land thereby affected, but subject to the payment of such compensation (if any) in respect of any manorial incidents referred to in Part II. of the Thirteenth

Schedule to this Act, whether the incidents are saved by Part V. of this Act or not, as is payable under the provisions of this Part of this Act, upon the happening of any of the following events:—

(*a*) where an agreement in writing between the lord and the tenant of the land, or other persons authorised to effect agreements in this behalf, as to the compensation for the extinguishment is made within ten years after the commencement of this Act, then upon the execution of the agreement;

(*b*) where a notice requiring the ascertainment of such compensation is served by the lord on the tenant or by the tenant on the lord within ten years after the commencement of this Act, then upon service of the notice; but the lord shall not be entitled to serve such notice till after the expiration of five years from such commencement;

(*c*) where no such agreement has been made or notice served before the expiration of ten years after the commencement of this Act, then upon the expiration of those ten years:

Provided that—

(i) the extinguishment of manorial incidents so effected shall not extend to or affect the right to enforce any manorial incident which has become due or enforceable before the date of the extinguishment:

(ii) if in any manor there are not less than one thousand tenants holding land affected by manorial incidents, the Minister may, on the application of the lord or of not less than two thirds of the tenants, by order (to be published in the Gazette) extend the said period of ten years in the case of any such manor and where any such order is made the references in this Part of this Act to the said period of ten years shall be construed as if the extended period had been substituted therefor.

(2) A notice by the tenant requiring the ascertainment of the compensation for the extinguishment of manorial incidents may be served in respect of more than one tenement of the same manor where the tenements are

held by him for the same estate and are subject to the same trusts and incumbrances (if any); and where the lord has served two or more notices in respect of more than one tenement so held by the same tenant, the tenant may, by notice in writing to the lord, require the extinguishment to be effected in respect of all or any of the tenements as if the same had been included in one notice; provided that where a notice is served by a tenant under this subsection, any proceedings thereon shall not be invalidated by reason only that the tenements specified therein are not held for the same estate or are not subject to the same trusts and incumbrances, if any.

(3) An agreement as to the compensation for the extinguishment of such manorial incidents as aforesaid (in this Act referred to as "a compensation agreement") may be effected independently of the Copyhold Act, 1894, by the persons who on a sale would be able to dispose of the manorial incidents and the land affected thereby respectively, or may be effected under Part II. of the Copyhold Act, 1894 (as applied by this Act) by the persons who, if the land had not been enfranchised, would have been entitled to effect an enfranchisement with the consent of the Minister thereunder, but resort shall not be had to the powers conferred by Part II. of the Copyhold Act, 1894, unless the Minister is satisfied that such a course is the most convenient in the circumstances.

57 & 58 Vict. c. 46.

(4) Unless the extinguishment is effected by agreement independently of the Copyhold Act, 1894, the provisions of that Act shall, subject to the amendments thereto effected by and for the purposes of this Part of this Act, apply to the extinguishment of manorial incidents extinguished by or under this Act and to land affected by such extinguishment as if "extinguishment" were therein substituted for "enfranchisement" and "land affected by extinguishment" were substituted for "enfranchised land":

Provided that in the absence of agreement as to the amount of the compensation payable on the extinguishment of manorial incidents affecting enfranchised land that compensation shall, subject to the provisions of this Part of this Act, be such as would have been payable for the enfranchisement of the land affected if it had not been enfranchised by Part V. of this Act.

(5) For facilitating compensation agreements, the following provisions shall have effect—

(i) Any person who, on a sale, would be able to dispose of the land affected by manorial incidents or of the manor (as the case may be) shall have power to agree to the creation of a compensation rentcharge, as hereinafter provided, in like manner as if a power for that purpose had been conferred in extension of the powers conferred by any statute or instrument under which the land or the manor (as the case may be) could have been sold, and subject to the consent in writing of any incumbrancer whose consent or concurrence is required on a sale of the land being obtained, the terminable rentcharge so created shall have the same priority as if it had been created under an award of the Minister:

(ii) The lord or the tenant shall, at the request of the other, furnish a statutory declaration stating particulars of his estate or interest in the manor or in the land affected by manorial incidents and giving such further information (if any) as may be required to show who has power to enter into the compensation agreement as respects the manor or the land and to give a receipt for the compensation money or any instalment thereof:

(iii) If the declaration furnished by the lord shows who has power, as respects the manor, to enter into the compensation agreement and give a receipt for the compensation money or any instalment thereof then in favour of the tenant, if the agreement and receipt are entered into and given in accordance with the declaration, the same shall be valid, and the receipt shall effectually discharge the person paying the compensation money or any instalment thereof from being bound to see to the application or being answerable for any loss or misapplication thereof:

(iv) Where the compensation money or any instalment thereof is paid in accordance with such declaration to a person not entitled to receive the same, he shall be deemed to have received

the money as trustee for the persons entitled thereto:

(v) If the declaration furnished by the tenant shows who has power, as respects the land, to enter into the compensation agreement, then the agreement if made in accordance with the declaration shall, in favour of the lord, be valid:

(vi) The costs incurred by a lord or tenant in furnishing the declaration shall be recoverable from the person requiring the declaration to be furnished, and any costs so recoverable by the tenant from the lord may be deducted from the compensation.

(6) Where a compensation agreement provides for the creation of a compensation rentcharge, and the compensation is to be paid by equal annual instalments with interest secured by an annual terminable rentcharge issuing out of the land comprised in the agreement or any part thereof, that agreement shall operate by virtue of this Act as a grant by all necessary parties of an annual terminable rentcharge of the agreed amount (varying with the amount of the principal and interest for the time being payable) issuing out of the land agreed to be charged therewith of the like nature and with the like incidents as if the agreement had been effected under the Copyhold Act, 1894, as amended by this Act.

(7) Where the compensation (whether ascertained by a compensation agreement or under the Copyhold Act, 1894, as applied by this Act) is to be a gross sum (not payable by instalments) then the land formerly affected by the manorial incidents shall, in priority to any other incumbrances (except tithe rentcharge and any charge having priority by statute), stand charged with the payment of that sum and interest thereon payable half-yearly at the rate of five and a half pounds per cent. per annum from the date of the extinguishment until paid, and for the purpose of recovering the same the person entitled to give a receipt therefor shall, after the expiration of six months from the time when the amount was ascertained, have all the powers conferred by the Conveyancing Act, 1881 (as amended by any subsequent enactment) on a mortgagee by deed whose power of sale has arisen, and as

if the land had been charged by way of legal first mortgage to him.

(8) A receipt for any gross sum or an instalment thereof payable for compensation and the interest thereon shall (but without prejudice to the right of any person interested to recover the interest from the person to whom it is paid) be a sufficient discharge for the same if given by—

(*a*) The lord, where the agreement is effected under Part II. of the Copyhold Act, 1894;

(*b*) The person who would have been entitled to give a receipt for purchase money arising on a sale of the manorial incidents, where the agreement is not effected under Part II. of that Act.

(9) If it appears to the Minister that it is the general wish of the lord and the tenants of any manor that the Minister should assist the parties in arriving at compensation agreements, the Minister may give such assistance, and may for that purpose employ an officer of the Ministry or any other person possessing special knowledge of the matters in question.

(10) Where the manorial incidents formerly affecting any land have been extinguished, then under a contract to sell and convey the freehold, the purchaser shall not, in the absence of any stipulation to the contrary, have the right to call for the title of the person entering into any compensation agreement or giving a receipt for the compensation money, to enter into such agreement or to give such receipt, and shall not be deemed to be affected with notice of any matter or thing of which, if he had contracted that such title should be furnished, he might have had notice.

(11) The forms of compensation agreement and receipt for rents, fines, reliefs, heriots, and fees, and for compensation money contained in Part I. of the Thirteenth Schedule to this Act may, when effected otherwise than under the Copyhold Act, 1894, be used, with such variations as the circumstances of each case may require, and shall be deemed sufficient in the cases to which such forms apply.

(12) The lord and the tenant or other persons authorised to effect the compensation agreement, may in writing agree that any right of the lord which

is preserved by the Twelfth Schedule to this Act, shall be treated as a manorial incident and be extinguished as if it were a manorial incident saved by Part V. of this Act or that there shall be granted to the lord as compensation or as part of the compensation for the extinguishment of manorial incidents, any estate or right of the tenant or any right of way or other easement in or over the land affected for more effectually winning and carrying away any mines or minerals under the land, including any right to let down the surface:

Provided that, where any such agreement relates to mines or minerals, the consideration for the estate or right shall be determined by agreement and not otherwise, and any such agreement for the extinguishment of the right of the lord in or to any mines and minerals shall, subject to the provisions of the agreement, operate as a conveyance to the tenant of such right notwithstanding that the agrement may not be under seal.

Facilities for extinguishing manorial incidents and compensation rent-charges.

139.—(1) For facilitating the extinguishment of manorial incidents under this Part of this Act whether effected under the Copyhold Act, 1894, as applied by this Part of this Act, or independently of that Act, the following provisions shall have effect, and shall, if the extinguishment is effected under the Copyhold Act, 1894, as so applied, have effect as amendments of that Act:—

(i) The lord and the tenant respectively shall furnish to the other and to the Minister any information in his possession, including any plan or map of the land affected, which the other or the Minister may reasonably require with a view to ascertaining what would be the proper amount of compensation:

(ii) No compensation shall be paid to the lord for loss of any right to forfeiture, except as provided by Part II. of the Thirteenth Schedule to this Act, nor for any advantage accruing to the tenant by reason of the extinguishment of any other incident unless the extinguishment of the incident occasioning the advantage is a loss to the lord as well as an advantage to the tenant, nor in excess of such loss:

(iii) The compensation, if any, for loss of office, payable to the steward, when appointed before the

passing of this Act, shall (in default of agreement) be such as is set out in the Fourteenth Schedule to this Act:

(iv) The compensation, if any, to the steward shall be paid by the lord or the person effecting the compensation agreement in right of the manorial incidents, and the amount thereof and any costs or expenses paid or incurred by the lord which are, by virtue of this Act, or by agreement, recoverable from the tenant, shall be added to, and treated as part of the compensation for the extinguishment of the manorial incidents; and the lord or other person aforesaid may require the amount of compensation so paid by him and his costs and expenses incurred in connexion with the extinguishment to be discharged out of capital money held on the trusts of any settlement of the manor, or out of personal estate held on the same trusts as the proceeds of sale of the manor are directed to be held, or may charge the amount on the manor or on land settled on the same limitations or trusts as the manor, or on any rentcharge arising in respect of the extinguishment of any manorial incidents within the manor, and such charge shall be by charge by way of legal mortgage, or by a certificate of charge under the Copyhold Act, 1894, which shall have the same effect as a charge by way of legal first mortgage:

(v) Unless the compensation for the extinguishment of the manorial incidents is within thirty days after the ascertainment thereof paid in a gross sum, the compensation shall (unless the parties otherwise agree) be paid by twenty equal annual instalments, the first instalment to be paid on the first day of January next after the ascertainment of the amount of the compensation, with interest at five and a half per cent. per annum on the amount of the compensation from the date of the extinguishment of the manorial incidents, and a further instalment, with interest at the like rate on so much of the compensation as for the time being remains unpaid, shall be paid on every subsequent first day of January until

the whole compensation shall be fully paid, and so long as any of the said instalments and interest or either of them remain payable, the payment of the compensation shall be secured by a terminable rentcharge issuing out of the land to which the manorial incidents attached equal to the said instalments and interest, payable on the same days but accruing from day to day, and varying with the amount from time to time payable:

Provided that, if the land affected is settled land, and there is sufficient capital money whereout the compensation may be discharged, or if the land affected is held on trust for sale and there is sufficient personal estate (not being chattels real) settled on the same trusts as the proceeds of sale whereout the compensation may be discharged, or if the compensation does not exceed twenty pounds, the compensation shall (unless the court on the application of any person interested otherwise directs) be paid in a gross sum (not by instalments), and in the former cases (subject to any order of the court to the contrary) shall be paid out of such capital money or personal estate, and in any such case may, subject as aforesaid, be recovered by the lord or other person entitled to give a receipt therefor as a debt due to him from the tenant or the trustees of the capital money or personal estate, as the case may be, with interest thereon from the date of the extinguishment at the rate of five and a half per cent. per annum:

(vi) Where any land subject to any manorial incidents is intermixed with, or held or occupied together with, other land, and the land subject to the manorial incidents cannot be identified on the Ordnance Survey map by the description thereof on the rolls of the manor, or otherwise, it shall be lawful for the Minister on the application in writing of the lord or the tenant by order to declare what part of the land so intermixed, or held or occupied together, shall be, or be deemed to be, the land subject to the manorial incidents in question, and to

determine and declare the situation and boundaries thereof, and on such order being made, the land described in such order shall be, or be deemed to be, the land subject to the manorial incidents in question, and such land shall, if the lord or tenant so desire, be defined by reference to the Ordnance Survey map:

(vii) Where manorial incidents have been extinguished within ten years after the commencement of this Act by agreement or by notice, the agreement, award, compensation charge, or certificate shall not be chargeable with any stamp duty, and the Minister shall not require the payment by either party of any office fees or other expenses of the Ministry, except in the case of an application to the Minister which the Minister considers to have been unnecessary or unreasonable:

(viii) The compensation shall, unless otherwise agreed, be ascertained in accordance with the scale set out in Part II. of the Thirteenth Schedule to this Act, which scale shall be binding as a matter of law in all cases, unless on application being made to the Minister on the part either of the lord or the tenant, the Minister decides that owing to any special customs or other exceptional circumstances the application of the scale would work injustice to either party, and if the Minister so decides, the Minister may, if he thinks fit, vary the scale, or fix some other scale which shall be applicable to the case; and where, by reason of the existence of concurrent legal estates in the same land or otherwise, the Minister considers that it would be unjust for the compensation money to be borne exclusively by the estate in fee simple, he may (subject to appeal to the court) decide, as between the fee simple and derivative interests, how the compensation money is to be borne, and whether by all or any of the derivative interests to the exclusion of the fee simple or of any of such interests, but not so as to affect prejudicially the interests of a mortgagee:

(ix) If the notice requiring the ascertainment of the amount of compensation is given by the lord to the tenant or by the tenant to the lord within ten years after the commencement of this Act, the party giving the notice shall, except so far as otherwise provided by this Part of this Act, bear the expenses incurred by the other party in respect of the proceedings for extinguishment, unless the Minister considers that his conduct has been unreasonable, or that he has unreasonably refused a proposal made by the party giving the notice, in which case the Minister may disallow the payment of the whole or any part of the expenses incurred as the Minister may consider just:

Provided that the lord and the tenant may, notwithstanding that a notice has been served, at any time within ten years after the commencement of this Act and before the amount of the compensation has been ascertained pursuant to such notice, agree (subject to discharging any costs incurred in relation to the notice) to extinguish the manorial incidents by a compensation agreement:

(x) Where in the Copyhold Act, 1894, interest is fixed at the rate of four per cent. per annum, the rate shall be increased to five and a half per cent. per annum; and references to perpetual compensation rentcharges shall be construed as referring to compensation payable by instalments and secured by a terminable rentcharge:

(2) For further facilitating the extinguishment of manorial incidents under this Part of this Act, where the extinguishment is effected under the Copyhold Act, 1894, as applied by this Part of this Act, the following amendments shall be made in the Copyhold Act, 1894:—

(*a*) A certificate under the seal of the Minister stating that the compensation for extinguishment has been duly ascertained to be the amount stated in the certificate shall be conclusive evidence of the facts so stated:

(*b*) The compensation for the extinguishment of manorial incidents may (save where the provisions of Part VI. of the Copyhold Act, 1894,

are applicable) be paid to the lord who, if entitled to a limited estate only in the manor, shall forthwith pay the sum received into court or to trustees in the manner provided by the Copyhold Act, 1894, and until such payment he shall be deemed to hold the money as trustee for the persons entitled thereto. The receipt of the person hereby authorised to receive the compensation shall be a sufficient discharge for the money, and the person paying it shall not be bound to see to the application thereof or be liable for its misapplication or loss. But the provisions as to payment of compensation contained in Part VI. of the Copyhold Act, 1894, shall in the cases therein mentioned apply to the payment of compensation under this Part of this Act.

(*c*) Any valuation required to be made for the purpose of assessing compensation shall, unless the parties otherwise agree, be made by a single valuer appointed (in default of agreement between the lord and the tenant) by the Minister, and his remuneration shall, in default of agreement, be fixed by the Minister.

(3) The person who, on a sale, is able to dispose of the land out of which a compensation terminable rentcharge issues may, at any time, on giving not less than one month's notice to the person who on a sale would be able to dispose of the compensation rentcharge, redeem the rentcharge and require the same to be released on payment of the amount of the instalments of principal remaining unpaid with interest up to the date of payment at the rate of five and a half pounds per centum per annum, and may require that any capital money or personal estate which would (if the manorial incidents had not been extinguished) have been applicable for discharging the compensation for the extinguishment of manorial incidents, shall be applied in redeeming the instalments of principal; and the redemption money shall be paid to the person (if any) who would have been entitled to give a receipt for the net proceeds of sale of the rentcharge if sold and shall be held on the same trusts (if any) as such proceeds would have been held; and if there is no such person capable of disposing of the said rentcharge or of

giving a receipt for the redemption money therefor, the same may be redeemed under the provisions of section forty-five of the Conveyancing Act, 1881 (as amended by any subsequent enactment), and the expenses incurred in redeeming the rentcharge shall be dealt with on the same footing as the expenses incurred in redeeming a mortgage.

(4) The Minister may make rules for prescribing the procedure under this section and the manner in which any notice under this section may be served, and generally for giving effect to the provisions of this Part of this Act, and the rules so made shall set forth the provisions of the Copyhold Act, 1894, applicable for the purposes of this Part of this Act as modified and applied thereby.

Provisions where manorial incidents are extinguished on expiration of ten years after the commencement of Act.

140. Where in respect of any enfranchised land or in respect of any other land liable to any heriot, quit rent, chief rent, free rent, or other manorial incident, the manorial incidents affecting the land are by virtue of this Act extinguished upon the expiration of ten years from the commencement of this Act by reason of no compensation agreement having been made or notice given to ascertain the compensation before the expiration of that period, the following provisions shall have effect:—

(*a*) At any time after the expiration of the said ten years and before the expiration of fifteen years from the commencement of this Act the lord or the tenant may apply to the Minister to determine the amount of compensation to be paid by the tenant to the lord for the extinguishment of the said manorial incidents and upon such application being made the Minister shall proceed to determine and award the amount of the compensation in accordance with the Copyhold Act, 1894, as modified and applied by this Part of this Act in like manner as if the lord and the tenant had in accordance with Part I. of that Act agreed in writing that the amount of compensation should be determined by a single valuer appointed by the Minister: Provided that in assessing the compensation no amount shall be allowed in respect of any rent, fine, relief, heriot or fee, which apart from this Part of this Act would have accrued due and become payable, between the expiration of the said period of ten years and the date of the application:

(*b*) The annual terminable rentcharge (if any) payable as compensation shall commence from the date of the application (to be mentioned in the award), and the lord shall not be entitled to any interest in respect of the period between the date of the expiration of the said period of ten years and the date of the application:

(*c*) If no such application has been made before the expiration of the said period of fifteen years, no compensation shall be payable in respect of the extinguishment of manorial incidents:

(*d*) The costs and expenses of determining the compensation in any case to which this section applies shall, notwithstanding anything contained in this Part of this Act, and in default of agreement, be borne by the tenant, unless the Minister considers that the conduct of the lord has been unreasonable or that special considerations apply, in either of which cases the Minister may determine by whom and in what proportions, if any, the costs and expenses are to be borne, and in so determining he shall have regard to what would be just, accordingly as nearly as may be to the advantages derived from the extinguishment by the lord and tenant, respectively, or by either of them.

Application to Crown and Duchy lands.

141.—(1) This Part of this Act shall extend to manors or lands vested in His Majesty in right of the Crown, or of the Duchy of Lancaster, or in right of the Duchy of Cornwall or possessions thereof, or in the Duke of Cornwall for the time being, for any estate, whether in possession, reversion or remainder.

(2) Nothing contained in this Part of this Act shall extend to or affect any condition, stipulation or restriction imposed by the Commissioners of Works under this Act for the protection of any royal park or garden.

Application to manors where derivative interests are entered on rolls or take effect at law.

142. In the case of a manor in which the fines are certain, and in which, before the commencement of this Act, it was the practice for copyholders in fee to grant derivative interests to persons who were admitted as copyholders of the manor in respect of those interests, or where by virtue of this Act legal estates derived out of the fee simple are created for giving effect to former equitable

interests, this Part of this Act shall apply, subject to the following modifications:—

(*a*) The derivative interests and the fee simple subject thereto shall be treated separately, and the person entitled to or having power on a sale to dispose of each separate interest shall (save as otherwise provided in this Part of this Act) only be liable to pay compensation for the extinguishment of manorial incidents to the extent to which that interest is thereby affected, and for the purposes of the Copyhold Act, 1894, shall be deemed to be the tenant:

(*b*) The compensation for the extinguishment of manorial incidents affecting a derivative interest shall in every case be paid in a gross sum.

Construction of Part VI.

143.—(1) Subject to the provisions of this Part of this Act with respect to Crown and Duchy lands, this Part of this Act shall, without prejudice to the general definitions in Part XI. of this Act which when applicable shall apply, be construed as one with the Copyhold Act, 1894:

Provided that the expression "lord" shall, where the context so requires, mean any person having power to effect a compensation agreement in right of the manorial incidents, and for the definition of "tenant" contained in that Act the following definition shall be substituted:—

"The expression 'tenant' means the person in whom the land enfranchised under Part V. of the Law of Property Act, 1922, is thereby made to vest and the persons deriving title under him, and includes the person entitled to the legal estate in or the possession of any other land subject to manorial incidents, whether or not those incidents have been severed from the manor."

(2) Where the right to any manorial incidents is not vested in the lord of the manor, but in some other person, the provisions of this Part of this Act shall in relation to such manorial incidents have effect as if the person who on a sale would be able to dispose of those manorial incidents were substituted for the lord, and the manorial incidents were substituted for the manor.

(3) The provisions of section sixty-seven of the Conveyancing Act, 1881, shall apply to all notices authorised to be given under this Part of this Act to which

section fifty-seven of the Copyhold Act, 1894, does not apply.

(4) All decisions or orders of the Minister made under this Part of this Act shall (subject only to such appeal to the court as may be prescribed by rules of court) be final.

General Provisions.

Power to inspect Court Rolls.

144. Any person interested in enfranchised land may on payment of the fee prescribed by the Lord Chancellor, inspect at any reasonable hour any Court Rolls of the manor of which the land was held; and Court Rolls shall (whether before or after the manorial incidents have been extinguished), for the purposes of section fourteen of the Evidence Act, 1851, be deemed to be documents of such a public nature as to be admissible in evidence on their mere production from the proper custody.

14 & 15 Vict. c. 99.

PART VII.

PROVISIONS RESPECTING LEASEHOLDS.

Conversion of Perpetually Renewable Leaseholds into Long Terms.

Conversion of perpetually renewable leaseholds.

145. For the purpose of converting perpetually renewable leases and underleases (not being an interest in perpetually renewable copyhold land enfranchised by Part V. of this Act, but including a perpetually renewable underlease derived out of an interest in perpetually renewable copyhold land) into long terms, for preventing the creation of perpetually renewable leasehold interests and for providing for the interests of the persons affected, the provisions contained in the Fifteenth Schedule to this Act shall have effect.

General Provisions.

Abolition of interesse termini and as to reversionary leases.

146.—(1) The doctrine of interesse termini is hereby abolished.

(2) As from the commencement of this Act all terms of years absolute shall (whether the interest is created before or after such commencement) be capable of taking effect at law or in equity (according to the estate or powers of the grantor) from the date fixed for commencement of the term, without actual entry, and by way of transmutation of possession.

(3) A term at a rent or granted in consideration of a fine limited after the commencement of this Act to take effect more than twenty-one years from the date of the instrument purporting to create it shall be void, and any contract made after such commencement to create such a term shall likewise be void; but this subsection does not apply to any term taking effect in equity under a settlement, or created out of an equitable interest under a settlement, or under an equitable power, for mortgage, indemnity or other like purposes.

(4) Nothing in subsections (1) and (2) of this section shall prejudicially affect the right of any person to recover any rent or to enforce or take advantage of any covenants or conditions.

PART VIII.

AMENDMENT OF THE LAW OF INTESTACY.

As to Real and Personal Estate.

Trust for sale and provisions as to administration.

147.—(1) On the death, after the commencement of this Act, of a person intestate as to any real or personal estate, the same shall be held by his personal representatives, as to the real estate upon trust to sell the same and as to the personal estate upon trust to call in, sell, and convert into money such part thereof as may not consist of money, with power to postpone such sale and conversion for such a period as the personal representatives, without being liable to account, may think proper, and so that any reversionary interest be not sold until it falls into possession, unless the personal representatives see special reason for sale; and so also that, unless required (for want of other assets) for purposes of administration, personal chattels be not sold except for special reason.

(2) The income of the real and personal estate, including the net rents and profits of the real estate and chattels real after payment of rates, taxes, rent, costs of insurance, repairs, and other outgoings properly attributable to income may, however invested (but without prejudice to the rights of any creditor of the deceased), as from the death of the deceased be treated and applied as income, but this provision shall not affect the right of the personal representatives to accumulate surplus income during a minority.

(3) Out of the net money to arise from the sale and conversion of the real and personal estate (after payment

of costs), and out of the ready money of the deceased, the personal representative shall (so far as the same may not be discharged under the provisions of the will, if any, of the deceased), pay the funeral expenses and debts of the deceased (but without prejudice to the provisions of the Real Estate Charges Acts, 1854, 1867, and 1877) and the costs, charges, and expenses of and incidental to the administration of the real and personal estate, including the death duties payable in respect of the same by reason of the death of the deceased in accordance with the rules relating to the administration of assets applicable to the case. In the case of an insolvent estate the income accruing after the death of the intestate shall also be applicable for the purposes of this subsection.

17 & 18 Vict. c. 113. 30 & 31 Vict. c. 69. 40 & 41 Vict. c. 34.

(4) During a minority or the subsistence of any life interest and pending the distribution of the whole or any part of the estate of the deceased, the personal representatives may invest the residue of the said money, or so much thereof as may not have been distributed in any investments for the time being authorised by statute for the investment of trust money, with power, at the discretion of the personal representatives, to change such investments for others of a like nature.

(5) The residue of the said money and any investments for the time being representing the same, including any part of the estate of the deceased which may be retained unsold and is not required for purposes of administration, is, in this Part of the Act, referred to as "the residuary estate of the intestate," which expression, where the intestate leaves a husband or wife means, in reference to any other persons taking under the intestacy, the residuary estate other than the personal chattels and subject to the sum of one thousand pounds and interest hereinafter charged in favour of such husband or wife.

(6) Nothing in this section affects the rights of any creditor of the deceased or the rights of the Crown in respect of death duties, and where the deceased leaves a will, this section shall have effect subject to the provisions therein contained.

Abolition of descent to heir, curtesy dower, and escheat.

148. With regard to the real estate or personal inheritance of every person dying after the commencement of this Act, there shall be abolished—

(*a*) All existing modes, rules, and canons of descent, and of devolution by special occupancy, or

otherwise, of real estate, or of a personal inheritance, whether operating by the general law or by the custom of any county, locality, or manor, or otherwise howsoever; and

(*b*) Tenancy by the curtesy and every other estate and interest of a husband in real estate as to which his wife dies intestate, whether arising under the general law or by custom or otherwise; and

(*c*) Dower and free bench and every other estate and interest of a wife in real estate as to which her husband dies intestate, whether arising under the general law or by custom or otherwise: provided that where a right to freebench has attached before the commencement of this Act which cannot be barred by a testamentary or other disposition made by the husband, then such right shall, unless released, remain in force in equity; and

(*d*) Escheat to the Crown or the Duchy of Lancaster or the Duke of Cornwall or to a mesne lord for want of heirs.

Statutory trusts in favour of issue of the intestate or a class of persons.

149.—(1) Where under this Part of this Act the residuary estate of an intestate, or any part thereof, is directed to be held on the statutory trusts for the issue of the intestate, then the same shall be held upon the following trusts, namely:—

(i) In trust in equal shares (if more than one) for all or any the children or child of the intestate, living at the death of the intestate, who attain the age of twenty-one years or marry under that age, and for all or any of the issue living at the death of the intestate who attain the age of twenty-one years or marry under that age of any child of the intestate, who predeceases the intestate, leaving issue living at the death of the intestate, such issue to take through all degrees, according to their stocks in equal shares (if more than one) the share which their parent would have taken if living at the death of the intestate, and so that no issue shall take whose parent is living at the death of the intestate and so capable of taking:

(ii) The statutory power of advancement, and the provisions of this Act which relate to maintenance and accumulation of surplus income, shall apply during a minority, but when an infant marries such infant shall be entitled to give valid receipts for the income of the infant's share or interest:

(iii) Where the property held on the statutory trusts for issue is divisible into shares, then any money or property which, by way of advancement or on the marriage of a child of the intestate, shall have been paid to such child by the intestate or settled by the intestate on such marriage (including property covenanted to be paid or settled) or shall have been provided for such child by the will, if any, of the intestate, shall (subject to any contrary intention expressed or appearing from the circumstances of the case) be taken as being so paid, settled, or provided in or towards satisfaction of the share of such child or the share which such child would have taken if living at the death of the intestate, and shall be brought into account, at a valuation (the value of capital when practicable to be reckoned as at the death of the intestate), in accordance with the requirements of the personal representatives; and the value of a life or less interest shall (subject as aforesaid) be liable to be brought into account under this subsection:

(iv) The personal representatives may permit any infant contingently interested to have the use and enjoyment of any personal chattels in such manner and subject to such conditions (if any) as the personal representatives may consider reasonable, and without being liable to account for any consequential loss.

(2) If the trusts in favour of the issue of the intestate fail by reason of no child or other issue attaining a vested interest, then and in such case the residuary estate of the intestate and the income thereof and all statutory accumulations, if any, of the income thereof, or so much thereof as shall not have been paid or applied under any power affecting the same, shall go, devolve and be held under the provisions of this Part

of this Act as if the intestate had died without leaving issue living at the death of the intestate, and references in this Part of this Act to the intestate—

(*a*) "leaving no issue" shall be construed as "leaving no issue who attain a vested interest";

(*b*) "leaving issue" or "leaving a child or other issue" shall be construed as "leaving issue who attain a vested interest."

(3) Where under this Part of this Act the residuary estate of an intestate is directed to be held on the statutory trusts for any class of relatives of the intestate, other than issue of the intestate, then the same shall be held on trusts corresponding to the statutory trusts for the issue of the intestate (other than the provision for bringing any money or property into account) as if such trusts (other than as aforesaid) were repeated with the substitution of references to the members of that class or any of them for the children or child of the intestate.

Succession to real and personal estate on intestacy.

150.—(1) The residuary estate of every person who dies intestate after the commencement of this Act shall be distributed in the manner or be held on the trusts mentioned in this section, namely:—

(i) If the intestate leaves a husband or wife (with or without issue) the surviving husband or wife shall take the personal chattels absolutely, and in addition the residuary estate of the intestate (other than the personal chattels) shall stand charged with the payment of a net sum of one thousand pounds, free of death duties and costs, to the surviving husband or wife with interest thereon from the date of the death at the rate of five pounds per cent. per annum until paid or appropriated; and, subject to providing for that sum and the interest thereon, the residuary estate (other than the personal chattels) shall be held:

(*a*) If the intestate leaves no issue, upon trust for the surviving husband or wife during his or her life;

(*b*) If the intestate leaves issue, upon trust, as to one half or the property appropriated

in respect of the same, for the surviving husband or wife during his or her life, and, subject to such life interest, on the statutory trusts for the issue of the intestate; and, as to the other half or the property appropriated in respect of the same, on the statutory trusts for the issue of the intestate; but if those trusts fail or determine in the lifetime of a surviving husband or wife of the intestate, then upon trust for the surviving husband or wife during the residue of his or her life;

(ii) The personal representative or representatives may, either with the consent of any such tenant for life, not being also the sole personal representative or otherwise with the leave of the court, purchase or redeem the life estate (while it is in possession) by paying the capital value thereof (reckoned according to tables selected by the personal representative) to the tenant for life or the persons deriving title under him and the costs of the transaction, and thereupon the residuary estate of the intestate may be dealt with or distributed free from such life estate:

(iii) If the intestate leaves issue but no husband or wife, then the residuary estate of the intestate shall be held on the statutory trusts for the issue of the intestate:

(iv) If the intestate leaves both parents but no issue, then, subject to the interests of a surviving husband or wife, the residuary estate of the intestate shall belong to the father and mother in equal shares absolutely:

(v) If the intestate leaves one parent only but no issue, then, subject to the interests of a surviving husband or wife, the residuary estate of the intestate shall belong to the surviving father or mother absolutely:

(vi) If the intestate leaves no issue or parent, then, subject to the interests of a surviving husband or wife, the residuary estate of the intestate shall be

held in trust for the following persons living at the death of the intestate, and in the following order and manner, namely:—

First, on the statutory trusts for the brothers and sisters of the whole blood of the intestate; but if no person takes an absolute interest under such trusts; then

Secondly, on the statutory trusts for the brothers and sisters of the half blood of the intestate; but if no person takes an absolute interest under such trusts; then

Thirdly, for the grandparents of the intestate and, if more than one survive the intestate, in equal shares; but if no member of this class takes an absolute interest; then

Fourthly, on the statutory trusts for the uncles and aunts of the intestate (being brothers or sisters of the whole blood of a parent of the intestate); but if no person takes an absolute interest under such trusts; then

Fifthly, on the statutory trusts for the uncles and aunts of the intestate (being brothers or sisters of the half blood of a parent of the intestate); but if no person takes an absolute interest under such trusts; then

Sixthly, for the surviving husband or wife of the intestate absolutely.

(vii) In default of any person taking an absolute interest under the foregoing provisions, the residuary estate of the intestate shall belong to the Crown or to the Duchy of Lancaster or to the Duke of Cornwall for the time being (as the case may be) as bona vacantia, and in lieu of any right to escheat, and this Part of this Act shall bind the Crown, the said Duchy and the said Duke so far as necessary to give effect to the provisions thereof, but not so as to affect the time within which proceedings for

the recovery of land or other property devolving on the Crown or the said Duchy or Duke may be instituted. The Crown, the said Duchy or Duke may, out of the whole or any part of the property devolving on them, provide for dependents, whether kindred or not, of the intestate, and other persons for whom it may be considered that the intestate ought to have made provision.

(2) Provided that under the foregoing provisions of this section a husband and wife shall for all purposes of distribution or division be treated as two persons.

(3) Section twenty-five of the Statute of Frauds the Statutes of Distribution and the Intestates' Estates Act, 1890, are hereby repealed as regards England and Wales, and— 29 Car. 2. c. 3. 53 & 54 Vict. c. 29.

(*a*) references to the Statutes of Distribution in an instrument inter vivos made or in a will coming into operation after the commencement of this Act, shall be construed as references to this Part of this Act;

(*b*) where a testator dies after the commencement of this Act, the executor shall (subject to his rights and powers for the purposes of administration) be a trustee for the persons entitled under this part of this Act, in respect of any residue not expressly disposed of, unless it appears by the will that the executor is intended to take such residue beneficially;

(*c*) trusts declared in an instrument inter vivos made or in a will coming into operation before the commencement of this Act, by reference to the Statutes of Distribution, shall, unless the contrary thereby appears, be construed as referring to the Statutes so repealed.

(4) Where the intestate leaves a will effectually disposing of part of his property, this section shall take effect subject to the provisions therein contained, and (save as provided by this Part of this Act in regard to the issue of the intestate) no beneficial interest acquired under the will shall be liable to be brought into account.

(5) The personal representatives may raise—

(*a*) the net sum of one thousand pounds or any part thereof and the interest thereon payable to the surviving husband or wife of the intestate on the security of the whole or any part of the residuary estate of the intestate (other than the personal chattels), so far as that estate may be sufficient for the purpose or the said sum and interest shall not have been satisfied by an appropriation under the statutory power available in that behalf; and

(*b*) in like manner the capital sum (if any) required for the purchase or redemption of the life estate of the surviving husband or wife of the intestate, or any part thereof not satisfied by the application for that purpose of any part of the residuary estate of the intestate, and the amount (if any) properly required for the payment of the costs of the transaction.

(6) If there is only one personal representative (not being a trust corporation) then, during any minority or the subsistence of a life interest, any person interested or the guardian, committee or receiver of any such person may apply to the court under the Trustee Act, 1893 (as amended by any subsequent enactment), for the appointment of new trustees either in addition to or in place of the personal representative.

Heirs taking by purchase.

151. Nothing in this Part of this Act shall affect the right in equity of any person to take, by purchase, as heir either general or special.

Wills in contemplation of marriage. 7 Will. 4. & 1 Vict. c. 26.

152. A will expressed to be made in contemplation of a marriage shall, notwithstanding anything in section eighteen of the Wills Act, 1837, or any other statutory provision or rule of law to the contrary, not be revoked by the solemnisation of the marriage contemplated.

Miscellaneous Provisions.

Death duties not affected.

153. Nothing in this Part of this Act shall render real estate liable to legacy duty or exempt it from succession duty.

Construction and as to a lunatic's and an infant's real estate.

154.—(1) In this Part of this Act—

(i) "Real and personal estate" mean and include every beneficial interest (including rights of entry and reverter) of the intestate in real and

personal estate which (otherwise than in right of a power of appointment or of the testamentary power conferred by this Act to dispose of entailed interests) he could, if of full age and capacity, have disposed of by his will;

(ii) "Real estate" where the context admits includes chattels real;

(iii) "Intestate" includes a person who leaves a will, but dies intestate as to some beneficial interest in his real or personal estate;

(iv) "Personal chattels" mean carriages, horses, stable furniture and effects (not used for business purposes), motor cars and accessories (not used for business purposes), garden live and dead stock and effects, domestic animals, plate, plated articles, linen, china, glass, books, pictures, prints, furniture, jewellery, articles of household or personal use or ornament, wines, liquors and consumable stores, but do not include any chattels acquired for business purposes nor money or securities for money.

(2) The foregoing provisions of this Part of this Act shall not apply to any beneficial interest in real estate (not including chattels real) to which a lunatic (whether so found or not) or defective living and of full age at the commencement of this Act, and unable, by reason of his incapacity, to make a will, who thereafter dies intestate without having recovered his testamentary capacity, was entitled at his death; and such beneficial interest (not being an interest ceasing on his death) shall, without prejudice to any will of the deceased, devolve in accordance with the law in force before the commencement of this Act applicable to freehold land.

(3) Where an infant dies after the commencement of this Act without having been married, and independently of this subsection he would, at his death, have been equitably entitled under a settlement (including a will or an intestacy) to an estate in fee simple or absolute interest in freehold land, or in any property settled to devolve therewith or as freehold land, such infant shall be deemed to have had an estate tail or entailed interest, and the settlement shall be construed accordingly.

PART IX.

REPEAL AND RE-ENACTMENT, WITH AMENDMENTS, OF PART I. OF THE LAND TRANSFER ACT, 1897, RELATING TO PERSONAL REPRESENTATIVES.

Meaning of "real estate" and constitution of representative in regard to interests therein not ceasing on the death.

155.—(1) In this Part of this Act the expression "real estate" includes—

(i) Chattels real, and land in possession, remainder, or reversion, and every interest in or over land to which a deceased person was entitled at the time of his death:

(ii) Real estate held on trust or by way of mortgage (by demise or subdemise) or security, but not money to arise under a trust for sale of land, nor money secured or charged on land.

(2) A testator shall be deemed to have been entitled at his death to any interest in real estate, passing under any gift contained in his will which operates as an appointment under a general power to appoint by will, or under the testamentary power conferred by this Act to dispose of an entailed interest.

(3) The interest of a deceased person under an estate tail or an entailed interest shall (unless disposed of under the testamentary power conferred by this Act) be deemed an interest ceasing on his death, but any further or other interest of the deceased in remainder or reversion which is capable of being disposed of by his will shall not be deemed to be an interest so ceasing.

(4) The interest of a deceased person under a joint tenancy where another tenant survives the deceased shall be deemed an interest ceasing on his death.

(5) On the death of a corporator sole his interest in the corporation's real and personal estate shall be deemed to be an interest ceasing on his death and shall devolve to his successor.

(6) The personal representative shall be the representative of the deceased in regard to his real estate to which he was entitled for an interest not ceasing on his death as well as in regard to his personal estate.

(7) After the commencement of this Act, probate or letters of administration shall not be granted to more than four persons in regard to the same property; and letters

of administration shall, if there is a minority or a life interest arises under the will or intestacy, be granted either to a trust corporation (with or without an individual) or to not less than two individuals.

Devolution of real estate to personal representative.

156.—(1) Real estate to which a deceased person was entitled for an interest not ceasing on his death shall on his death, and notwithstanding any testamentary disposition thereof, devolve from time to time on the personal representative of the deceased, in like manner as before the commencement of this Act chattels real devolved on the personal representative from time to time of a deceased person.

(2) All enactments and rules of law, and all jurisdiction of any court with respect to the appointment of administrators or to probate or letters of administration, or dealings before probate in the case of chattels real, and with respect to costs and other matters in the administration of personal estate in force before the commencement of this Act, and all powers, duties, rights, equities, obligations, and liabilities of a personal representative in force at the commencement of this Act with respect to chattels real, shall apply and attach to the personal representative and shall have effect with respect to real estate vested in him, and in particular all the like powers for the survivors or survivor of two or more personal representatives, as well as for a single personal representative, and for all the personal representatives together to dispose of or otherwise deal with real estate, shall, as in case of personal representatives with respect to chattels real before the commencement of this Act, belong to the personal representatives or representative of a deceased person with respect to his real estate.

(3) The personal representatives for the time being of a deceased person shall be deemed in law his heirs and assigns within the meaning of all trusts and powers binding or conferred on him as a trustee or mortgagee of real estate.

(4) Provided that, where there are two or more personal representatives, a conveyance of real estate devolving under this section shall not be made without the concurrence therein of all such representatives or an order of the court; save that where probate is granted to one or some of two or more persons named as executors, whether or not power is reserved to the other or others

to prove, any conveyance of the real estate may be made by the proving executor or executors for the time being, without an order of the court, and shall be as effectual as if all the persons named as executors had concurred therein.

(5) Where an executor who has renounced probate is permitted to withdraw the renunciation and prove the will, such probate shall take effect and be deemed always to have taken effect without prejudice to the previous acts and dealings of any other personal representative who has previously proved the will or taken out letters of administration, and a memorandum of the subsequent probate shall be endorsed on the original probate or letters of administration.

(6) It is hereby declared that all conveyances of any interest in real or personal estate made to a purchaser either before or after the commencement of this Act by a person claiming to be a personal representative of a deceased person and to whom probate or letters of administration have been granted are valid, notwithstanding any subsequent revocation or variation (either before or after the commencement of this Act) of the probate or letters of administration, but this subsection shall take effect without prejudice to any order of the court made before the commencement of this Act.

(7) Probate and letters of administration may be granted in respect of the real estate of a deceased person or any part thereof, and either separately or together with his personal estate, and may also be granted in respect of real estate only where there is no personal estate, and a grant of letters of administration to real estate may be limited in any way the court thinks proper.

(8) In granting letters of administration the court shall have regard to the rights of all persons interested in the real and personal estate of the deceased person, or the proceeds of sale thereof, and in particular letters of administration, with the will annexed, may be granted to a devisee or legatee; and in regard to land settled previously to the death of the deceased, and not by his will, may be granted to the trustees of the settlement.

(9) Provision may be made by rules of court for giving effect to the provisions of this Part of this Act and in particular for adapting the procedure and practice on the grant of letters of administration to the case of

real estate; and for dispensing with sureties to administration bonds where the grant is made to a trust corporation or to two or more individuals, or in any other proper case.

(10) Without prejudice to the rights and powers of a personal representative, the appointment of a personal representative in regard to real estate shall not (save as hereinafter provided) affect any rule as to marshalling or as to administration of assets, nor the beneficial interest in real estate under any testamentary disposition, nor any mode of dealing with any beneficial interest in real estate, or the proceeds of sale thereof, nor the right of any person claiming to be interested in the real estate to take proceedings for the protection or recovery thereof against any person, other than the personal representative:

Provided that in the case of deaths occurring after the commencement of this Act the real and personal estate of the deceased shall (but without prejudice to the right of retainer of a personal representative or his right to make preferential payments or transfers) be administered in accordance with the rules applicable to the administration of estates by the court, and the rules applicable to the administration of assets out of court or in bankruptcy are hereby abolished.

(11) Section thirty of the Conveyancing Act, 1881, Part I., sections one to five (inclusive), of the Land Transfer Act, 1897, and section twelve of the Conveyancing Act, 1911, are hereby repealed as regards England and Wales as respects deaths occurring after the commencement of this Act.

(12) Nothing in this Part of this Act shall alter any duty payable in respect of real estate or impose any new duty thereon.

(13) Section three of the Wills Act, 1837, shall (without prejudice to the rights and interests of the personal representative under this section or under Part I. of the Land Transfer Act, 1897) authorise and be deemed always to have authorised a bastard or any other person, whether he left an heir or any next of kin surviving him or not, to dispose of real estate by his will 1 Vict. c. 26.

(14) This section applies to the case of every person dying after the commencement of this Act, and binds the Crown, the Duchy of Lancaster, and the Duke of Cornwall for the time being.

Abolition of syndics in the case of trust corporations

157.—(1) Where a trust corporation is appointed an executor, either alone or jointly with another person, the court may grant probate to such corporation either solely or jointly with another person, as the case may require, and the corporation may act as executor accordingly.

(2) Letters of administration may be granted to any such corporation either solely or jointly with another person, and the corporation may act as administrator accordingly.

(3) After the commencement of this Act no probate or letters of administration shall be granted to a syndic or nominee on behalf of any such corporation.

(4) Any officer authorised for the purpose by such corporation or their directors or governing body may swear affidavits, give security, and do any other act or thing which the court may require on behalf of the trust corporation with a view to the grant of probate or letters of administration to the corporation, and the acts of such officer shall be binding on the corporation, and he shall be entitled to be kept indemnified by the corporation in regard to matters so authorised as aforesaid.

(5) Where, at the commencement of this Act, any interest in real or personal estate is vested in a syndic on behalf of any such corporation acting as the personal representatives of a deceased person, the same shall, by virtue of this Act, vest in the corporation, and the syndic shall be kept indemnified by the corporation in regard to any interest so vested.

(6) This section shall have effect without prejudice to any other statutory power to grant probate to a corporation.

Effect of assent or conveyance by personal representative.

158.—(1) A personal representative may assent to the vesting in any person who may be interested, either beneficially or as a trustee or personal representative, of any real estate to which the testator or intestate was entitled, and which devolved upon the personal representative; and the assent shall operate to vest in that person the estate or interest to which the assent relates, and, unless a contrary intention appears, the assent shall relate back to the death of the deceased; and the statutory covenants referred to in subsection (1) (F) of section seven of the Conveyancing Act, 1881, may be implied in an assent in like manner as in a conveyance by deed.

(2) An assent to the vesting of a legal estate shall be in writing, signed by the personal representative, and shall name the person in whose favour it is given and shall operate to vest in that person the legal estate to which it relates; and an assent not in writing or not in favour of a named person shall not be effectual to pass a legal estate.

(3) A statement in writing by a personal representative that he has not given or made an assent or conveyance of a legal estate, shall, in favour of a purchaser (but without prejudice to any previous disposition made in favour of another purchaser deriving title mediately or immediately under the personal representative), be sufficient evidence that an assent or conveyance has not been given or made in respect of the legal estate to which the statement relates, and a personal representative making a false statement, in regard to any such matter, shall be liable in like manner as if the statement had been contained in a statutory declaration, and a conveyance by him of a legal estate to a purchaser made on the faith of such a statement shall (without prejudice as aforesaid) operate to transfer or create the legal estate expressed to be conveyed in like manner as if no previous assent or conveyance had been made by the personal representative.

(4) An assent or conveyance by a personal representative of a legal estate shall, in favour of a purchaser, be taken as sufficient evidence that the person in whose favour the assent or conveyance is given or made is the person entitled to have the legal estate conveyed to him, and upon the proper trusts (if any), but shall not otherwise prejudicially affect the claim of any person rightfully entitled to the estate vested or conveyed or any charge thereon.

(5) A conveyance of a legal estate by a personal representative to a purchaser shall not be invalidated by reason only that the purchaser may have notice that all the debts, liabilities, funeral and testamentary or administration expenses, duties, and legacies of the deceased have been discharged or provided for.

(6) An assent or conveyance given or made by a personal representative shall not, except in favour of a purchaser of a legal estate, prejudice the right of the personal representative or any other person to recover the estate or interest to which the assent or conveyance relates, or to be indemnified by such estate or interest against any duties, debt, or liability to which such estate

or interest would have been subject if there had not been any assent or conveyance.

(7) A personal representative may, as a condition of giving an assent or making a conveyance, require security for the discharge of any such duties, debt, or liability.

(8) An assent may, in the case of land registered under the Land Transfer Acts, be in the form prescribed under those Acts, and the production of the assent in the prescribed form shall authorise the Land Registrar to register the person named in the assent as proprietor of the land.

(9) This section shall not operate to impose any stamp duty in respect of an assent.

(10) Where the personal representatives of the deceased are registered as proprietors of the land on his death, a fee shall not be chargeable for registering any disposition of the land by them unless the disposition is for valuable consideration.

As to giving possession and enforcing rights against personal representative.

159.—(1) A personal representative, before giving an assent or making a conveyance in favour of any person entitled, may permit such person to take possession of the land, and such possession shall not prejudicially affect the right of the personal representative to take or resume possession nor his power to convey the land as if he were in possession thereof, but subject to the interest of any lessee, tenant or occupier in possession or in actual occupation of the land.

(2) Any person interested, claiming possession, the appointment of a receiver, or a conveyance, or an assent to the vesting of real estate, or to be registered as proprietor thereof under the Land Transfer Acts, may apply to the court for directions with reference thereto, and the court may make such vesting or other order as may be deemed proper.

Appropriation of property by personal representative in satisfaction of legacy or share.

160.—(1) The personal representative may appropriate any part of the real or personal estate, including things in action, of the deceased in the actual condition or state of investment thereof at the time of appropriation in or towards satisfaction of any legacy bequeathed by the deceased, or of any other interest or share in his property, whether settled or not, as to the personal representative may seem just and reasonable, according to the respective rights of the persons interested in the property of the deceased :

Provided that—

(i) An appropriation shall not be made under this section in respect of or so as to affect prejudicially any specific devise or bequest:

(ii) An appropriation of property, whether or not being an investment authorised by law or by the will (if any) of the deceased for the investment of money subject to the trust, shall not (save as hereinafter mentioned) be made under this section except with the consent of the following persons, namely:—

(*a*) Of the person (if any) of full age and capacity absolutely and beneficially entitled;

(*b*) When made for the benefit of an infant or lunatic (whether so found or not) or defective, whether or not the legacy share or interest is settled, of his testamentary or other guardian, committee, or receiver on his behalf;

(*c*) When made in respect of any settled legacy share or interest, either of the trustee (not being also the personal representative), if any, thereof, or of the person (if any) of full age and capacity who may for the time being be entitled to the income:

(iii) No consent shall (save of such trustee as aforesaid) be required on behalf of a person who may come into existence after the time of appropriation, or who cannot be found or ascertained at that time:

(iv) If no committee or receiver of a lunatic or defective has been appointed then, if the appropriation is of an investment authorised by law or by the will (if any) of the deceased for the investment of money subject to the trust, no consent shall be required on behalf of the lunatic or defective:

(v) If, independently of the personal representative, there shall be no trustee of a settled legacy share or interest, and no person of full age and capacity entitled to the income thereof, then (without prejudice to the provisions relating to consents on behalf of infants, lunatics, and defectives) no consent shall be required to an appropriation in respect of

such legacy share or interest, provided that the appropriation is of an investment authorised as aforesaid;

(vi) Any property duly appropriated under the powers conferred by this section shall thereafter be treated as an investment authorised for the purposes of the trust, and may be retained or dealt with accordingly.

(2) For the purposes of such appropriation, the personal representative may (by a duly qualified agent) ascertain and fix the value of the respective parts of the real and personal estate and the liabilities of the deceased as he may think fit; and may make any conveyance which may be requisite for giving effect to the appropriation.

(3) An appropriation made pursuant to this section shall bind all persons interested in the property of the deceased whose consent is not hereby made requisite.

(4) The personal representative shall, in making the appropriation, have regard to the rights of any person who may thereafter come into existence, or who cannot be found or ascertained at the time of appropriation, and of any other person whose consent is not required by this section.

(5) This section shall not prejudice any other power of appropriation conferred by law or by the will (if any) of the deceased, and shall take effect with any extended powers conferred by the will (if any) of the deceased, and where an appropriation is made under this section, in respect of a settled legacy, share or interest, the property appropriated shall remain subject to all trusts for sale and powers of leasing, disposition, and management or varying investments which would have been applicable thereto or to the legacy, share or interest in respect of which the appropriation is made, if no such appropriation had been made.

(6) In this section, a settled legacy, share or interest includes any legacy, share or interest to which a person is not absolutely entitled in possession at the date of the appropriation.

(7) In favour of a purchaser, any disposition of real estate or any interest therein made in purported exercise of the powers conferred by this section shall be deemed to have been made in accordance with the requirements of this section and after all requisite consents (if any) have been given.

(8) In the case of registered land, the production of the evidence prescribed under the Land Transfer Acts of an appropriation under this section shall authorise the Land Registrar to register the person to whom the property is appropriated as proprietor of the land.

(9) This section applies only in the case of deaths occurring after the commencement of this Act, but applies whether the deceased died intestate or not.

Appointment of special or additional personal representatives in the case of settled land.

161.—(1) Where settled land becomes, under Part I. of this Act, vested in a personal representative not being a trustee of the settlement upon trust to convey the same to or assent to the same vesting in the tenant for life of full age or statutory owner in order to give effect to a settlement created before the death of the deceased and not by his will, such representative may, either before or after probate or letters of administration have been granted, disclaim his office in regard only to such settled land without disclaiming the same in regard to other property.

(2) Whether such disclaimer is made or not, the trustees of the settlement, or any person beneficially interested thereunder, may apply to the Chancery Division of the High Court for an order appointing a special or additional personal representative in respect of the settled land; and a special or additional personal representative, when appointed under the order, shall be in the same position as if probate or administration had originally been granted to him alone in place of the original personal representative or to him jointly with the original personal representative, as the case may be, limited to the settled land, but without prejudice to the previous acts and dealings (if any) of the personal representative originally constituted.

(3) The court may make such order as aforesaid subject to such security, if any, being given by or on behalf of the special or additional personal representative, as the court may direct, and shall, unless the court considers that special considerations apply, appoint such persons as may be necessary to secure that the representatives to act in respect of the settled land shall be the same persons as are the trustees of the settlement; and an office copy of the order when made shall be furnished to the Principal Probate Registry for entry, and a memorandum of the order shall be endorsed on the probate or letters of administration.

(4) A testator may appoint as his special executors, in regard to settled land, the persons who are at his death the trustees of the settlement thereof, and may appoint other persons, either with or without such trustees or any of them, to be his general executors in regard to his other property and assets, and probate may be granted to such trustees specially limited to the settled land. A testator who dies after the commencement of this Act shall, in default of an express appointment to the like effect, be deemed to have appointed the persons who, at his death, are the trustees of the settlement to be his executors in regard to the settled land.

(5) The special personal representatives may dispose of the settled land without the concurrence of the general personal representatives, who may likewise dispose of the other property and assets of the deceased without the concurrence of the special personal representatives; and in this subsection the expression "special personal representatives" means the representatives appointed to act for the purposes of settled land and includes any original personal representative who is to act with an additional personal representative for those purposes.

(6) Where settled land becomes vested in a corporation as a personal representative on trust to give effect to a settlement created before the death of the testator and not by his will, then any fee chargeable by the corporation for the acceptance of the office of personal representative shall be discharged exclusively out of the free property and assets of the testator in exoneration of the settled land, unless the corporation was acting as the trustee of the settlement.

(7) The person applying for the appointment of a special or additional personal representative shall give notice of the application to the Principal Probate Registry in the manner prescribed.

(8) Rules of court may be made for prescribing for all matters required for giving effect to the provisions of this section, and in particular—

(*a*) For notice of any application being given to the proper officer;

(*b*) For production of orders, probates, and letters of administration to the registry;

(*c*) For the endorsement on a probate or letters of administration of a memorandum of an order, subject or not to any exceptions;

(*d*) For the manner in which the costs are to be borne;

(*e*) For protecting purchasers, trustees, and other persons in a fiduciary position, dealing in good faith with a personal representative before notice of any order has been endorsed on the probate or letters of administration or a lis pendens has been registered in respect of the proceedings.

Powers of personal representatives in regard to administration.

162.—(1) The personal representative may limit or demise land for a term of years absolute, with or without impeachment for waste, to trustees on usual trusts for raising or securing any principal sum and the interest thereon for which the real estate, or any part thereof, is liable, and may limit or grant a rentcharge for giving effect to any annual or periodical sum for which the land or the income thereof or any part thereof is liable.

(2) Where probate is granted to one or some of two or more persons named as executors, whether or not power is reserved to the others or other to prove, then all the powers which are by law conferred on the personal representatives or representative may be exercised by the proving executors or executor for the time being and shall be as effectual as if all the persons named as executors had concurred therein.

Powers of management.

163.—(1) In dealing with the real and personal estate of the deceased his personal representatives shall, for purposes of administration, or during any minority or the subsistence of any life interest, or until the period of distribution arrives, have—

(i) The same powers and discretions, including power to raise money by mortgage (as regards land by demise or subdemise or by charge by way of legal mortgage) or charge (whether or not by deposit of documents), as a personal representative had before the commencement of this Act, with respect to personal estate vested in him; and

(ii) All the powers (including power to override equitable interests and powers as if the same affected the proceeds of sale), discretions, and duties conferred or imposed by law on trustees holding land upon an effectual trust for sale: Provided that nothing in this section shall

authorise a sole personal representative (not being a trust corporation) to override equitable interests and powers which are paramount to his legal estate; and

(iii) All the powers conferred (whether by reference to the Settled Land Acts or otherwise) by Part I. of this Act on trustees for sale, and so that every contract entered into by a personal representative shall be binding on and be enforceable against and by the personal representative for the time being of the deceased, and may be carried into effect, or be varied or rescinded by him and in the case of a contract entered into by a predecessor, as if it had been entered into by himself.

(2) Nothing in this section shall affect the right of any person to require an assent or conveyance to be made.

PART X.

AMENDMENTS OF THE LAND TRANSFER ACTS, 1875 AND 1897.

Interests in Land capable of Registration.

As to undivided shares.

164.—(1) Where at the commencement of this Act an undivided share in land is registered, the entirety of the land shall (save as hereinafter provided) as soon as practicable, after such commencement, be registered subject to the prescribed evidence being furnished and in the prescribed manner in the names of the persons who, under Part I. of this Act, hold the land on trust for sale, free from any charge or incumbrance (whether formerly registered or not) affecting an undivided share, but subject to any incumbrance (capable of registration) which affects the entirety of the land, and in the meantime no entry (other than a caution under section fifty-three of the Act of 1875 against registered dealings) shall be made in the register as respects the title of the undivided share, which title shall be closed when the entirety of the land is registered pursuant to this section.

(2) The Public Trustee shall not be registered as proprietor pursuant to this section unless and until he has been duly requested to act in the trust in accordance with Part I. of this Act and has accepted the trust.

(3) After the commencement of this Act—

(*a*) Neither an undivided share in land, nor a charge affecting any such undivided share shall be capable of registration under the Acts;

(*b*) "Land" in the Acts shall not include an undivided share therein;

(*c*) Except so far as may be required in respect of undivided shares registered at the commencement of this Act, all references in the Acts to undivided shares in land or to dealings therewith are hereby repealed.

(4) If an undivided share in land is removed from the register pursuant to section seventeen of the Act of 1897, within one year from the commencement of this Act, the former registration of that share shall not render necessary the registration of the entirety of the land, and this section shall have effect as if that share had not been registered.

Registration of legal estates.

165. After the commencement of this Act, estates capable of subsisting as legal estates shall be the only interests in land of which a proprietor can be registered and all other interests in registered land (except overriding interests and interests entered on the register at or before such commencement) shall take effect in equity as minor interests, but all interests (except undivided shares in land) entered on the register at such commencement which are not legal estates shall be capable of being dealt with under the Acts until (pursuant to rules to be made for that purpose) the register is rectified on the occasion of the first dealing for value to secure that the entries therein shall be similar to those which would have been made if the land had been registered after the commencement of this Act.

Amendments and Powers.

Amendments and powers.

166. The amendments, repeals, and provisions contained in the First and Second Parts of the Sixteenth Schedule to this Act shall have effect.

Charges and Mortgages of Registered Land.

Provisions as to registered charges.

167.—(1) A charge under section twenty-two of the Act of 1875 and any alteration thereof, to be noted on

the register, shall be effected by deed, and the following provisions shall apply thereto.

(2) A charge on freehold land shall (subject to any provision to the contrary contained in the charge) take effect as a charge by way of legal mortgage as if it had contained a demise to the charge creditor of a term of three thousand years without impeachment of waste in the registered land intended to be charged, subject to a proviso for cesser on redemption of the charge; and a charge on leasehold land held for a term of years absolute shall (subject as aforesaid) take effect as a charge by way of legal mortgage as if it had contained a subdemise to the charge creditor of the land for the residue of the term created by the registered lease except the last three days thereof, subject to a proviso for cesser on redemption; and in each case as if the term or subterm had commenced from the date of the instrument of charge.

(3) A charge or a deed of alteration of a charge may (subject to the provisions of Part I. of this Act) contain, in the case of freehold land, an express demise, and in the case of leasehold land an express subdemise of the land to the creditor for a term of years absolute, subject to a proviso for cesser on redemption.

(4) Any such demise or subdemise or charge by way of legal mortgage shall take effect from the date of the delivery of the deed containing the same, but subject to the estate or interest of any person whose estate or interest (whenever created) is registered or noted on the register before the date of registration of the charge or deed of alteration.

(5) On registration of any transfer or transmission of a charge the registered term or subterm granted by the charge or any deed of alteration shall, without any conveyance or assignment and notwithstanding anything to the contrary in the transfer or any other instrument, vest in the registered proprietor for the time being of the charge.

(6) Where a charge is registered in the names of two or more proprietors (whether jointly or in undivided shares) the registered mortgage term implied or comprised in the charge shall (but without prejudice to the beneficial interests in the mortgage money) vest in them as joint tenants, and the registered proprietor for the time being of the charge, or his personal representative, shall have

power to give valid receipts, notwithstanding that the mortgage money may be held in undivided shares, in like manner as if the money had been held on a joint account.

(7) Any charge registered on or before the commencement of this Act shall take effect as a demise or subdemise of the land in accordance with the provisions of Part I. of this Act, and the registered estate or term shall (without prejudice to any registered charge or any mortgage term or subterm created by this Act) vest in the person appearing by the register to be entitled to the ultimate equity of redemption.

(8) Rules shall be made for applying the provisions of Part I. of this Act and of this section to the case of charges by way of submortgage, whether registered before or after the commencement of this Act.

(9) On the notification on the register of the entire cessation of a registered charge, whether as to the whole or part only of the land affected thereby the term or subterm granted by the charge or any deed of alteration so far as it affects the land to which the discharge extends, shall merge and be extinguished in the registered estate in reversion without any surrender.

(10) Notwithstanding the creation of a term or subterm under this section, a transfer under the power of sale conferred by section twenty-seven of the Act of 1875 shall (subject to any prior incumbrances or other entries on the register), as heretofore, operate to transfer the registered estate or the whole of the residue of the term created by the registered lease, as the case may be, and the term or subterm shall become merged, and any purported disposition of or dealing with the mortgage term or subterm apart from the charge, and any process or act purporting to keep alive the term or subterm after the cessation of the charge shall be void.

(11) A charge made under section twenty-two aforesaid (as amended by section nine of the Act of 1897) may be registered notwithstanding that it contains any trust, power to appoint new trustees, or other provisions for giving effect to the security.

(12) Subject to any entry to the contrary on the register, the vesting of any term in accordance with this section in the registered proprietor of a charge shall, subject to the right of redemption, have the same effect

as if such proprietor had been registered as the transferee for valuable consideration of the mortgage term.

(13) In section twenty-five of the Act of 1875, after the words "profits thereof" there shall be inserted the words, "and may, after entry into possession and after "having acquired a title under the Limitation Acts, "execute a declaration, in the prescribed form, that the "right of redemption is barred, and thereupon he shall "be entitled, subject to furnishing any evidence which "may be prescribed in support thereof, to be registered "as proprietor of the land, with the same consequences "as if he had been a purchaser for valuable consideration "of the land under the power of sale."

(14) At the end of section twenty-six of the Act of 1875 (which relates to foreclosure) there shall be inserted the following provision:—

"The foreclosure shall be completed by the registration of the proprietor of the charge (or such other person as may be named in the foreclosure order absolute for that purpose) as the proprietor of the land, and by the cancellation of the charge and of all incumbrances inferior thereto; and such registration shall operate in like manner and with the same consequences as if the proprietor or other person aforesaid had been a purchaser for valuable consideration of the land under the power of sale."

(15) At the end of section twenty-seven of the Act of 1875 (which confers a power of sale) there shall be inserted the following provision:—

> "The transfer shall operate and be completed by registration, in the same manner, as nearly as may be (but subject to any alterations on the register affecting the priority of the charge), as a transfer for valuable consideration by the registered proprietor of the land at the time of the registration of the charge would have operated or been completed, and, as respects the land transferred, the charge and all incumbrances inferior thereto shall be cancelled."

(16) In addition and without prejudice to the powers conferred by the Acts, the registered proprietor for the time being of a charge shall (subject to any entry on the register to the contrary) have and may exercise all the powers conferred on mortgagees by the Conveyancing Acts, 1881 to 1922, in the like circumstances as are

provided by those Acts, including the powers of leasing and of accepting surrenders of leases.

(17) An instrument of charge may be in any form provided that it complies with the requirements of this Act in regard to mortgages capable of registration.

(18) This section applies whether the land is registered before or after the commencement of this Act.

Mortgages protected on the register.

168.—(1) The registered proprietor of any freehold or leasehold land may, subject to any entry to the contrary on the register, mortgage, by deed or otherwise, the land or any part thereof (by way of demise or subdemise or of charge by way of legal mortgage) in any manner which would have been permissible if the land had not been registered and with the like effect: provided that the registered land comprised in the mortgage is described in a manner sufficient to enable the registrar to identify the same without reference to any other document.

(2) A mortgage made under this section may, if by deed, be protected by a caution in a specially prescribed form and in no other way, and a mortgage, if not by deed, may be protected by a caution lodged under section fifty-three of the Act of 1875.

(3) The entry of a caution prescribed under this section shall be deemed a dealing capable of being restrained by caution lodged under section fifty-three of the Act of 1875.

(4) Until the mortgage is protected on the register under this section, it shall be capable of taking effect only in equity and of being overridden as a minor interest.

(5) Where a mortgage by deed has been protected by a caution in the specially prescribed form, the mortgagee, or the persons deriving title under him, may, subject to furnishing sufficient evidence of title, require the mortgage to be registered as a charge with the same priority as the caution.

(6) When a mortgage by deed has been so registered, the registered proprietor thereof shall, subject to any entry to the contrary on the register, have all the powers which are by the Acts conferred on the proprietor of a registered charge; but so long as the mortgage is protected only by a caution, the mortgagee shall not be

capable of dealing with the registered land by registered disposition.

(7) Any mortgage created under this section (whether registered or protected by a caution in a specially prescribed form) shall devolve and may be transferred, discharged, reconveyed or otherwise dealt with by the same instruments and in the same manner as if the land had not been registered, subject, as follows:—

(*a*) Where a mortgage has been registered as a charge the devolutions, dealings and notification of cessation shall be registered in the same manner and with the same consequences as in the case of a registered charge:

(*b*) Where the mortgage has been protected only by a specially prescribed caution then such devolutions and dealings shall be protected in like manner and in no other way:

(*c*) Subject to any entry to the contrary on the register, the priorities arising in respect of devolutions and dealings shall be regulated by the order of application for registration or for the entry of a caution in the specially prescribed form.

(8) An ad valorem fee may be charged for a caution specially prescribed under this section, but, if and when a mortgage protected by such a caution is registered as a charge, any ad valorem fee paid in respect of the caution may be taken towards satisfaction of the fees payable on such registration of the mortgage.

(9) Rules shall be made for giving effect to the provisions of this section, and in particular for providing in what case documents, or copies thereof, shall be left at the registry, for providing for the marking of documents not retained at the registry, and for extending and adapting the provisions of this section to the case of submortgages:

Provided that where—

(*a*) The mortgage relates also to property other than registered land; or

(*b*) The mortgage is only protected by a caution; or

(*c*) The nature of the security is such that it is not expedient or practicable that the mortgage should be retained at the registry;

then neither the mortgage nor any instruments dealing therewith nor discharges affecting other property besides the registered land shall be required to be permanently retained by the registrar.

(10) All mortgages made under this section which are registered shall take effect as registered dispositions, and in the Acts the expression "registered charge" shall include a registered mortgage.

(11) This section applies whether the land is registered before or after the commencement of this Act.

As to securing further advances.

169.—(1) When a registered charge is made for securing further advances, the registrar shall, before making any entry on the register which would prejudicially affect the priority of any further advance thereunder, give to the registered proprietor of the charge at his registered address, notice by registered post of the intended entry, and the proprietor of the charge shall not, in respect of any further advance, be affected by such entry, unless the advance is made after the date when the notice ought to have been received in due course of post; and if, by reason of any failure on the part of the registrar or the post office in reference to the notice, the proprietor of the charge suffers loss in relation to a further advance, he shall be entitled to be indemnified under the Acts in like manner as if a mistake had occurred in the register; but if the loss arises by reason of an omission to register or amend the address for service, no indemnity shall be payable under the Acts.

(2) This section applies whether the land is registered before or after the commencement of this Act.

Registered Estates and Subsidiary Deeds.

Registered estates in registered land.

170.—(1) The estate for the time being vested in the registered proprietor of the land shall only be capable of being disposed of or dealt with by him in the manner authorised by the Acts.

(2) Where a tenant for life of full age or statutory owner is registered as proprietor of settled land, the same estate shall vest in him as if the land had been conveyed to him in fee simple or for the residue of the term (free from the minor interests capable of being overridden by the exercise of the statutory powers of a tenant for life) upon the trusts of the settlement.

(3) The registration of a proprietor of land (whether before or after the commencement of this Act) shall, without any conveyance, vest and be deemed always to have vested in him, in the case of freehold land the legal estate in fee simple in possession or in the case of leasehold land the legal term created by the registered lease, but subject to the overriding interests, if any, including any mortgage term or charge by way of legal mortgage created by or under this Act which has priority to the registered estate.

(4) Where any legal estate left outstanding at the date of first registration (whether before or after the commencement of this Act) or disposed of or created under section forty-nine of the Act of 1875 before the commencement of this Act becomes satisfied, or the registered proprietor of the land becomes entitled to require the same to be vested in or surrendered to him, and the entry (if any) for protecting the same on the register has been cancelled, then the same shall, without any conveyance, vest and be deemed always to have vested in the registered proprietor of the land, as if the same had been conveyed or surrendered to him, as the case may be.

(5) Nothing in this section shall operate to render valid a lease registered with possessory or good leasehold title.

As to subsidiary deeds off the register.

171.—(1) Where any transaction relating exclusively to registered land or to a registered charge is capable of being effected and is effected by a registered disposition then, subject to any prescribed exceptions, any deed or instrument, other than the registered disposition, which is executed by the registered proprietor for the purpose of giving effect to the transaction shall be void so far as the transaction is carried out by the registered disposition.

(2) Rules may be made for providing for cases in which any additional deed or instrument may be properly executed and for enabling the registrar to certify that in any special cases an additional deed or instrument will be proper and valid.

Conversion into Absolute or Good Leasehold Title.

Conversion into absolute

172.—(1) Where land has been registered with a possessory title before the commencement of this Act,

and the registrar is satisfied as to the title, he may register it at any time as absolute or good leasehold, whether the registered proprietor consents to such registration or not, but, unless the registration is made on the application of the registered proprietor, without charging any fee therefor. or good leasehold title.

(2) Where the registrar is satisfied as to the title, he may, on a transfer for valuable consideration of land registered with a qualified, good leasehold or possessory title, enter the title of a transferee as absolute or good leasehold as the case may require or admit, whether the transferee consents or not, but in that case no additional fee shall be charged.

(3) The following provisions shall apply with respect to land registered with a qualified or possessory title :—

(*a*) Where the title registered is possessory the application for the registration of a transfer shall, subject to any provisions to the contrary which may be prescribed, be accompanied by all the documents of or relating to the title (including contracts, abstracts, Counsel's opinions, requisitions, and replies, and other like documents), in the applicant's possession or under his control; and where the title registered is qualified, with such documents (if any) as relate to the matters excepted from the effect of registration; and

(*b*) Where the land has been registered, if freehold land, for fifteen years, or if leasehold land, for ten years, with a possessory title, the registrar shall, if satisfied that the registered proprietor is in possession, and after giving such notices (if any) as may be prescribed, enter the title of the proprietor of the freehold land as absolute and the title of the proprietor of the leasehold land as good leasehold, save that if the date of first registration occurred before the first day of January, nineteen hundred and nine, the registrar shall have power to postpone the registration of an absolute or good leasehold title until, after investigation, he is satisfied in regard to the title;

(*c*) Where the land has been registered with a good leasehold title for at least ten years, the registrar may, subject to the payment of any additional insurance fee and to any advertisements or inquiries which may be prescribed, and if he is satisfied that the registered proprietor or successive registered proprietors has or have been in possession during the said period, at the request of the proprietor enter his title as absolute.

(4) Provided that, if any claim adverse to the title of the registered proprietor has been made, an entry shall not be made on the register under this section unless and until the claim has been disposed of.

(5) Any person (other than the registered proprietor) who suffers loss by reason of any entry on the register made by virtue of this section shall be entitled to be indemnified under the Acts as if a mistake had been made in the register.

Effect of the Limitation Acts in respect of Registered Land.

Acquisition of title by possession.

173. Section twelve of the Act of 1897 is hereby repealed and the following section shall be substituted therefor:—

(1) The Limitation Acts shall apply to registered land in the same manner and to the same extent as those Acts apply to land not registered, except that where, if the land were not registered, the estate of the person who is the registered proprietor of the land would be extinguished, such estate shall not be extinguished but shall be deemed to be held, by the registered proprietor for the time being, in trust for the person who has acquired title against any registered proprietor by virtue of the said Acts, but without prejudice to the estates and interests of any other person interested in the land whose estate or interest is not extinguished by those Acts:

(2) Any person claiming to have acquired a title under the Limitation Acts to the registered estate in the land may apply to be registered as proprietor thereof:

(3) The registrar shall, on being satisfied as to the applicant's title, enter the applicant as proprietor of the land either with absolute, good leasehold, or possessory title, as the case may require, but without prejudice to any estate or interest protected by any entry on the register which may not have been extinguished under the Limitation Acts, and such registration shall, subject as aforesaid, have the same effect as the registration of a first registered proprietor; but the registered proprietor or the applicant or any other person interested may apply to the court for the determination of any question arising under this section:

(4) If, in the opinion of the registrar, any purchaser or person deriving title under him whose title, being registered or protected on the register, is prejudicially affected by any entry under this section, ought, in the special circumstance of the case, to be compensated, then the registrar may award to him indemnity of such amount as he may consider just, in like manner as if such purchaser or person had suffered loss by the rectification of the register, provided that no sum shall be payable for indemnity under this section, unless that sum can be paid out of the indemnity fund without recourse to the Consolidated Fund:

(5) Rules may be made for applying (subject to any necessary modifications) the provisions of this section to cases where an easement, right or privilege has been acquired by prescription.

Rectification and Indemnity.

Rectification of the register.

174.—(1) The register may be rectified pursuant to an order of the court or by the registrar, subject to appeal to the court, in any of the following cases, but subject to the following provisions:—

(*a*) In any of the cases mentioned in sections ninety-five or ninety-six of the Act of 1875 (as amended); and

(*b*) In any case and at any time with the consent of all persons interested; and

(*c*) Where the court or the registrar is satisfied that the registration of any person as first proprietor of land, or of a charge, mortgage, or other interest, or that any notice or other entry in the register for protecting any estate, right, or interest has been obtained by fraud, by annulling the registration, notice or other entry; and

(*d*) Where two or more persons are, by mistake, registered as proprietors of the same freehold or leasehold land or of the same charge, mortgage, or other registered interest, by cancelling one or more of the registrations; and

(*e*) In any other case where, by reason of any error or omission in the register, or by reason of any entry procured by fraud or made under a mistake, it may be deemed just to rectify the register.

(2) The register may be rectified under this section, notwithstanding that the rectification may affect any estates, rights, charges, or interests acquired or protected by registration, or by any entry on the register, or otherwise.

(3) The register shall not be rectified, except for the purpose of giving effect to an overriding interest, so as to affect the title of the registered proprietor of the land who is in possession, unless such proprietor is a party or privy or has caused or substantially contributed, by his act, neglect, or default, to the fraud, mistake, or omission in consequence of which such rectification is sought, or unless the immediate disposition to him was void, or the disposition to any person through whom he claims (otherwise than for valuable consideration) was void, or unless for any other reason, in any particular case, it is considered that it would be unjust not to rectify the register against him.

(4) Where a person is in possession of registered land in right of a minor interest, he shall, for the purposes of this section, be deemed to be in possession as agent for the registered proprietor.

Right to indemnity in certain cases.

175.—(1) Subsections (1), (2), (3), and (4) of section seven of the Act of 1897 are hereby repealed

and the following provisions shall have effect in lieu thereof:—

"(1) Subject to the provisions of the Acts to the contrary, any person suffering loss by reason of any rectification of the register under the Acts shall be entitled to be indemnified:

"(2) Where an error or omission has occurred in the register, but the register is not rectified, then any person suffering loss by reason of such error or omission, shall, subject to the provisions of the Acts, be entitled to be indemnified:

"(3) Where any person suffers loss by reason of the loss or destruction of any document lodged at the registry for inspection or safe custody, or an error in any official search, he shall be entitled to be indemnified under the Acts:

"(4) Subject as hereinafter provided, a registered proprietor of land or a charge claiming in good faith under a forged disposition shall be deemed to have suffered loss thereby and be entitled to be indemnified under the Acts:

"(5) No indemnity shall be payable under the Acts in any of the following cases:—

"(*a*) Where the applicant has himself caused or substantially contributed to the loss (whether arising by reason of any fraud, error, or omission) by his fraud, or derives title (otherwise than under a disposition for valuable consideration which is registered or protected on the register) from a person so committing fraud;

"(*b*) On account of any mines and minerals not being comprised in the registered title, or of the existence of any adverse rights to work or get mines and minerals, unless a note is entered on the register that the mines and minerals are registered;

"(*c*) On account of costs incurred in taking or defending any legal proceedings without the consent of the registrar:

"(6) Where an indemnity is paid in respect of the loss of an estate or interest in or charge on land, the amount so paid shall not exceed—

"(*a*) Where the register is not rectified, the value of the estate, interest or charge at

the time when the error or omission which caused the loss, was made;

"(*b*) Where the register is rectified, the value (if there had been no rectification) of the estate, interest or charge immediately before the time of rectification.

"(7) In granting any indemnity the registrar may have regard to any costs and expenses properly incurred in relation to the matter, and may add the same to the amount of the indemnity money which would otherwise be payable."

(2) In subsection (6) of section seven of the Act of 1897 the word "fraud" is hereby substituted for the words "act, neglect, or default" at the end of that subsection.

(3) The registrar shall be entitled to enforce, on behalf of the Crown, any express or implied covenant or other right which the person who is indemnified would have been entitled to enforce in relation to the matter in respect of which indemnity has been paid.

(4) Subsection (7) of section seven aforesaid shall take effect subject to the following provisions:—

(i) Where a claim to indemnity arises in consequence of the registration of land with an absolute or good leasehold title, the claim shall be enforceable only if made within six years from the date of such registration, except in the following cases:—

(*a*) Where at the date of registration the person interested is an infant, the claim by him may be made within six years from the time he attains full age; or

(*b*) In the case of settled land, or land held on trust for sale, where a person is interested in remainder or reversion, the claim by him may be made within six years from the time when his interest falls into possession; or

(*c*) Where a claim arises in respect of a restrictive covenant affecting freehold land which by reason of notice or the registration of a land charge or otherwise was binding on the first registered proprietor at the time of first registration, the claim shall only be

enforceable within six years from the breach of the covenant:

(ii) Where any person interested is entitled as a proprietor of a charge or as a mortgagee protected by a caution in the specially prescribed form, the claim by him may be made within six years from the last payment in respect of principal or interest.

Contracts, Acquisition of Easements, and Evidence.

As to contracts and the acquisition of easements or other benefits.

176.—(1) Subject to any entry to the contrary on the register, the registered proprietor of any land, or charge, may enter into any contract in reference thereto in like manner as if the land or charge had not been registered, and, subject to any disposition for valuable consideration which may be registered or protected on the register before the contract is completed or protected on the register, the same may be enforced as a minor interest against any succeeding registered proprietor in like manner and to the same extent as if he were an assign.

(2) A contract entered into for the benefit of registered land or a charge may (if the same would have been enforceable by the owner for the time being of the land or charge, if not registered, or by a person deriving title under the party contracting for the benefit) be enforced by the registered proprietor for the time being of the land or charge.

(3) The registered proprietor of land may accept for the benefit thereof the grant of any easement, right, or privilege or the benefit of any restrictive covenant or provision (affecting other land whether registered or not) in like manner and to the same extent as if he were legally and beneficially entitled to the fee simple in possession or to the term created by the registered lease for his own benefit free from incumbrances.

(4) If before the registration of any freehold or leasehold land with an absolute or good leasehold title any easement, right, or privilege has been acquired for the benefit of the land, then, on such registration, the easement, right, or privilege shall, subject to any entry to the contrary on the register, become appurtenant to the registered estate in like manner as if it had been granted to the proprietor who is registered as aforesaid.

Provisions as to vendor and purchaser, and effect of covenants for title.

177.—(1) Subsection (1) of section sixteen of the Act of 1897 is hereby repealed and the following provisions shall be substituted therefor:—

On a sale of registered land—

(*a*) The vendor shall, notwithstanding any stipulation to the contrary, at his own expense furnish the purchaser with an authority to inspect the register, and, if required, with a copy of the subsisting entries in the register and of any filed plans and copies or abstracts of any documents or any part thereof noted on the register so far as they respectively affect the land to be sold (except charges or incumbrances registered or protected on the register which are to be discharged at or prior to completion):

Provided that unless the purchase money exceeds one thousand pounds the costs of the copies and abstracts of the said entries plans and documents shall, in the absence of any stipulation to the contrary, be borne by the purchaser requiring the same:

(*b*) The vendor shall, subject to any stipulation to the contrary, at his own expense furnish the purchaser with such copies, abstracts and evidence (if any) in respect of any subsisting rights and interests appurtenant to the registered land as to which the register is not conclusive, and of any matters excepted from the effect of registration as the purchaser would have been entitled to if the land had not been registered:

(*c*) Except as aforesaid, and notwithstanding any stipulation to the contrary, it shall not be necessary for the vendor to furnish the purchaser with any abstract or other written evidence of title, or any copy or abstract of the land certificate or of any certificate of charge:

(*d*) Where the register refers to a filed abstract or copy of or extract from a deed or other document such abstract or extract shall as between vendor and purchaser be assumed to be correct, and to contain all material portions of the original, and no person dealing with registered land or a registered charge shall

have a right to require production of the original, or be affected in any way by any provisions of the said document other than those appearing in such abstract, copy, or extract, and any person suffering loss by reason of any error or omission in such abstract, copy, or extract shall be entitled to be indemnified under the Acts.

(2) Subsection (3) of section sixteen aforesaid is hereby repealed and in substitution therefor rules may be made for prescribing the effect of covenants implied by virtue of section seven of the Conveyancing Act, 1881, in dispositions of registered land.

Office copies &c. to be evidence, and as to right of production.

178.—(1) Office copies of and extracts from the register and of and from documents and plans filed in the registry shall be admissible in evidence in all causes and matters and between all persons or parties to the same extent as the originals would be admissible, but any person suffering loss by reason of the inaccuracy of any such copy or extract shall be entitled to be indemnified under the Acts, and no solicitor, trustee, personal representative, or other person in a fiduciary position shall be answerable in respect of any loss occasioned by relying on any such copy or extract.

(2) When any document is delivered or returned by the registrar to any person, he may require such person to give, at the cost of the registry, a statutory acknowledgment of the right of the registrar and his successors in office to production of such document and to delivery of copies thereof, and may endorse notice of such right on the document, and the acknowledgment shall not be liable to stamp duty.

Provisions as to Bankruptcy.

Provisions as to bankruptcy of registered proprietor.

179.—(1) The registrar shall as soon as practicable after registration of a petition in bankruptcy as a lis pendens under Part I. of this Act register a notice (in this Act called a creditor's notice) under section fifty of the Act of 1875 (as amended) against the title of any registered proprietor of land or a charge which appears to be affected, and such notice shall protect the rights of all creditors, and unless cancelled by the registrar in the prescribed manner such notice shall remain in force

until a bankruptcy inhibition is registered or the trustee in bankruptcy is registered as proprietor. No fee shall be charged for the registration of the notice.

(2) Until a creditor's notice is registered, a petition in bankruptcy filed after the commencement of this Act shall not, as respects any registered disposition for money or money's worth of land or a charge, be notice or evidence of any act of bankruptcy therein alleged.

(3) The registrar shall, as soon as practicable after registration under the Land Charges Registration and Searches Act, 1888, and Part I. of this Act, of a receiving order in bankruptcy against a registered proprietor of land or a charge, enter an inhibition (in this Act called a bankruptcy inhibition) against the title of the proprietor in the prescribed manner. No fee shall be charged for the registration of the inhibition.

(4) From and after the entry of a bankruptcy inhibition, no dealing affecting the estate or charge of the registered proprietor, other than the registration of the trustee in bankruptcy, shall be entered on the register until the inhibition is vacated as to the land or charge affected or some part thereof.

(5) Notwithstanding anything to the contrary contained in subsection (6) of section nine of the Act of 1897, the trustee in bankruptcy shall not be entitled to deal with the land or charge by a registered disposition unless and until he is registered as proprietor thereof.

(6) If and when a registered proprietor of land or a charge is adjudged bankrupt, his registered estate or interest, if belonging to him beneficially, and whether acquired before or after the date of adjudication, shall vest in the trustee in bankruptcy in accordance with the statutory provisions relating to bankruptcy for the time being in force.

(7) The title of the trustee in bankruptcy acquired after the commencement of this Act shall as from the date of the disposition nevertheless be void as against a purchaser in good faith for money or moneys worth who is registered as proprietor of land or a charge after an available act of bankruptcy has been committed unless, at the date of such disposition, either a creditor's notice or a bankruptcy inhibition has been registered; but a purchaser who, at the date of the execution of the registered disposition, has notice of an available act of bank-

ruptcy, or of the petition, receiving order, or adjudication, shall not be deemed to take in good faith.

(8) Where the estate of a bankrupt proprietor suffers loss by reason of the omission of the registrar to register a creditor's notice or bankruptcy inhibition, as required by this section, or on account of the execution or registration of a disposition after a petition is registered as a lis pendens or after a receiving order is registered and before the registration of a creditor's notice or bankruptcy inhibition, then the trustee in bankruptcy shall be entitled to indemnity as a person suffering loss by reason of an error or omission in the register.

(9) If neither a creditor's notice nor a bankruptcy inhibition is registered against a bankrupt proprietor, then nothing in this section shall prejudicially affect a registered disposition of a registered estate or charge acquired by the bankrupt after adjudication, which would have been valid by virtue of section forty-seven of the Bankruptcy Act, 1914, if the land or charge had not been registered. 4 & 5 Geo. 5. c. 59.

(10) If and when a bankruptcy inhibition is wholly or partially vacated, otherwise than by reason of the registration of the trustee in bankruptcy, any registered estate or interest vested in the trustee in bankruptcy shall, as respects the land or charge to which the vacation extends, be divested, and the same shall vest in the registered proprietor in whom it would have been vested if there had been no adjudication in bankruptcy.

(11) The official receiver or trustee in bankruptcy may inspect the register of any proprietor against whom a receiving order has been made, and any creditor, on behalf of himself and all other creditors, or the official receiver or trustee in bankruptcy may lodge a caution against a registered proprietor in respect of any minor interest affecting the registered estate.

(12) Rules shall be made under the Acts—

(*a*) For postponing the registration of a creditor's notice or bankruptcy inhibition, where the names, address and description of the debtor appearing in the application for the registration of the lis pendens or receiving order are not identical with those stated in the register until the registrar is satisfied as to the identity of the debtor;

(*b*) For requiring the official receiver to notify to the registrar any mistake occurring in the receiving order or any other fact relevant to any proposed amendment in the register; and for enabling the registrar to make any consequential amendment;

(*c*) For providing for the whole or partial vacation (subject to notice to the official receiver or trustee in bankruptcy and to his right to appeal to the court) of a bankruptcy inhibition, where the receiving order is rescinded or the bankruptcy is annulled, or the registrar is satisfied that the bankruptcy proceedings do not affect or have ceased to affect the statutory powers of the bankrupt to deal with the registered estate or charge.

Disclaimer of a lease by a trustee in bankruptcy.

180. Where a trustee in bankruptcy disclaims a registered lease under section fifty-four of the Bankruptcy Act, 1914, and an order is made by the court vesting the lease in any person, the order shall direct the alteration of the register in favour of the person in whom the lease is so vested, and in such case the registrar shall, on being served with such order, forthwith (without notice to the bankrupt or any other person and without requiring production of the land certificate) alter the register accordingly, and no right to indemnity under the Acts shall arise by reason of such alteration.

As to Death Duties.

Protection of purchasers from claims for death duties.

181. Section thirteen of the Act of 1897 and all other provisions of the Acts relating to the death duties are hereby repealed, and the following section shall be substituted therefor:—

(1) A registered disposition in favour of a purchaser shall operate to vest in him the estate or interest transferred or created by the disposition free from all claims of His Majesty for death duties, notwithstanding that notice of a claim for duties may be noted on the register under this section, but the person making the disposition and the funds and other property derived therefrom, shall be and remain liable for all such duties and claims for which he was liable:

(2) A disposition to any person, other than a purchaser, shall take effect subject to any charge for payment of death duties and the interest thereon, whether notice of a claim for the duties is entered on the register or not:

(3) A personal representative, in whom the registered estate vests on a death, shall be accountable for all death duties which may become leviable or payable on the death of the deceased in respect of the registered land or any interest therein:

(4) In every other case the proprietor of a registered estate (other than a purchaser who acquires a registered estate free from the charge for duties) shall be accountable for all the death duties which become leviable or payable in respect of that estate or of any minor interest capable of being overridden by a registered disposition made by him:

(5) The personal representative or other proprietor who disposes of a registered estate to a purchaser by a disposition which is registered or protected on the register and the proceeds of sale, funds and other property (if any) derived from the disposition and the income thereof shall (subject as herein-after provided) be and remain liable in respect of and stand charged with the payment of the duties which are overridden by the disposition, together with any interest payable in respect of the same:

(6) Notwithstanding that any duties may be payable by instalments, on a disposition of a registered estate by way of sale, exchange, or charge, all death duties payable in respect of the land dealt with remaining unpaid which are overridden by such disposition, shall immediately become payable and carry interest at the rate of four pounds per centum per annum from the date of the disposition:

Provided that where, by reason of this subsection, an amount is paid or becomes payable for duties and interest in excess of the amount which would have been payable if the duties had continued to be paid by instalments, then

such excess shall be repaid or allowed as a deduction by the Commissioners of Inland Revenue:

(7) Where, on the death of a registered proprietor, a charge for death duties has been registered as a land charge under the Land Charges Registration and Searches Act, 1888, and Part I. of this Act, the registrar shall enter notice on the register in the prescribed manner of the charge:

(8) When any such notice is entered, the registrar shall, before registering or entering notice of any disposition which would operate to override the charge for duties, give notice of the intended registration or entry to the said Commissioners, and cancel the notice of the claim for duties so far as it relates to the land or interest therein comprised in the disposition:

(9) When all claims for duties have been satisfied, or no such claims arise, or the said Commissioners are satisfied that the duties will be paid or commuted, they shall notify the fact to the registrar, who shall thereupon cancel the notice (if any) of the claim:

(10) For the purpose of raising the duty, and the costs of raising the same, the personal representative or other registered proprietor accountable as aforesaid shall have all the powers which are by any statute conferred on any person for raising the duty:

(11) Notwithstanding that any duties are by this section made payable by the personal representative or registered proprietor of the land, nothing herein contained shall affect the liability of the persons beneficially interested or of their minor interests in respect of any duty, and they shall accordingly account for or repay the same and any interest and costs attributable thereto, to the said Commissioners or to the personal representative or other proprietor made accountable, and nothing in this section shall affect the remedies of the said Commissioners against any person other than a purchaser:

(12) Capital money liable to be laid out in the purchase of land to be settled in the same manner as the land in respect of which the duty became payable, and personal estate held on the same trusts as the proceeds of sale of land (in respect of which the duty became payable) held on trust for sale may, by the direction of the person accountable, and although the duty is only payable in respect of a minor interest which is or is capable of being overridden by a disposition to a purchaser, be applied in discharging all or any of the duties and costs aforesaid:

(13) Where the duties would not, except by virtue of the last subsection, be payable out of the capital money, or personal estate aforesaid, then the amount so paid shall be repaid by the person liable for the duty to the trustees of the settlement or trustees for sale, by the like instalments and at the like rate of interest by and at which the unpaid duty and the interest thereon might have been paid if the land had not been disposed of, and the minor or other interests of the persons liable and remaining subject to the settlement of the land or of the proceeds of sale shall stand charged with the repayment of the instalments and interest aforesaid; and the trustees of the settlement or the trustees for sale shall be entitled to recover and receive any excess of duty which may become repayable by the said Commissioners:

(14) Nothing in this section shall impose on a personal representative, trustee, or other person in a fiduciary position, as such, any liability for payment of duty, in excess of the assets (including real estate) vested in him or in the trustees of the settlement, which shall for the time being be available in his or their hands for the payment of the duty, or which would have been so available but for his or their own neglect or default, or impose on the proprietor of a registered charge any liability to discharge death duties unless the claim was paramount to his charge:

(15) In this section "purchaser" only includes a purchaser for money or money's worth:

(16) This section (including the repeals therein) only applies to death duties which become payable or leviable after the commencement of this Act.

Personal Representative.

Special or additional personal representatives.

182.—(1) Where a special or additional personal representative is appointed by the court under Part IX. of this Act, in reference to registered land, then on production of the order he shall be registered as proprietor either solely or jointly with any of the other personal representatives, as the case may require, and a copy of the order shall be filed at the registry.

(2) Pending an application for the appointment of a special or additional personal representative a caution may be lodged under section fifty-three of the Act of 1875 by any person intending to apply to the court for the appointment.

Compulsory Registration on Sale.

Power to require registration of title on sale.

183.—(1) In subsection (1) of section twenty of the Act of 1897 the words beginning "a person shall not" down to the end of that subsection are hereby repealed, and the following words are hereby substituted therefor:—

"Every conveyance on sale of freehold land, executed on or after the day specified in the order which makes registration of title to land in that area compulsory on sale, shall (save as hereinafter provided), on the expiration of two months from the date thereof or of any authorised extension of that period, become void so far as regards the grant or conveyance of the legal estate in the land within the area affected comprised in the conveyance unless the grantee or his successor in title or assign has in the meantime applied to be registered as proprietor of such land; and the expression 'grantee' means the person who is entitled to be registered as proprietor of the land:

"Provided always that the registrar, or the court on appeal from the registrar, may, on the application of any person interested in any particular case in which the registrar or the court is

satisfied that the application for first registration cannot be made within the said period, or can only be made within that period by incurring unreasonable expense, or that the application has not been made within the said period by reason of some accident or other sufficient cause, make an order extending the said period; and if such order be made, then, upon the registration of the grantee or his successor or assign, a note of the order shall be endorsed on the conveyance.

"Provided also that, in the case of land in an area where, at the date of the commencement of the Law of Property Act, 1922, registration of title is already compulsory on sale, this subsection shall apply to every conveyance on sale of freehold land executed on or after the day of the commencement of that Act."

(2) Rules under the Acts may provide for applying the provisions thereof to dealings with the land which may take place between the date of such conveyance and the date of the application to register, as if such dealings had taken place after the date of first registration; for registration tc be effected as of the date of the application to register, and for applying the provisions of section twenty aforesaid (as amended) to the case of leasehold land.

(3) In section twenty aforesaid (as amended) the expression "conveyance on sale" does not include an enfranchisement or extinguishment of manorial incidents whether under Parts V. and VI. of this Act, or otherwise, but shall after the commencement of this Act include a conveyance by way of exchange, where money is paid for equality of exchange.

(4) For preserving the power to make orders under section twenty aforesaid at the instance of a county council, the following provision shall be substituted for subsection (8) of that section, namely:—

"At a meeting of a county council, at which at least two-thirds of the whole number of the members shall be present, a resolution may be passed, at any time after the commencement of this Act, signifying the desire of the county council

that registration of title shall be compulsorily applied to the county over which such council has jurisdiction, or to any part thereof; and thereupon an order may be made as respects the county or part of a county to which the resolution extends":

Subsections (5) and (6) of section twenty aforesaid shall not apply to any order so made.

(5) At any time after the expiration of ten years from the commencement of this Act, but not earlier, an order may be made under the said section without complying with the provisions of subsections (6) (7) and (9) thereof, but subject to and in accordance with the following provisions:

(i) The county council and any law society whose district is proposed to be affected, or either of them, may, within six months after receipt of notice by the county council of any proposed order, pass a resolution that a public inquiry shall be held in the county proposed to be affected, as to the desirability of extending compulsory registration of title (on sale) to the county or part of the county intended to be affected; and the county council within ten days of the receipt of such notice shall furnish a copy thereof to any such law society, and notwithstanding anything to the contrary in subsection (5) of section twenty aforesaid notice of the proposed order may be given at any time within eighteen months before the date on which the order is to take effect:

(ii) A copy of the resolution shall be sent to the Lord Chancellor:

(iii) After the receipt of a copy of the resolution the Lord Chancellor shall, after consultation with the Law Society, appoint a person, being a practising member of the legal profession, to hold and conduct the inquiry and shall fix the date and place on and in which the inquiry is to be held:

(iv) The Lord Chancellor may make rules as to the conduct of any such inquiry, the manner in which the expenses thereof are to be borne and any other matters relating to the inquiry, and may revoke or vary any such rules:

(v) At any such inquiry the county council and such other persons as may be admitted by the person holding the inquiry, or may be nominated by or on behalf of any such law society as aforesaid and all other persons willing to give evidence, shall be entitled to submit reasons, whether local or general, for or against the extension of compulsory registration of title (on sale) to the county or part of the county intended to be affected:

(vi) The person holding the inquiry shall, after the completion thereof, forthwith report the result, stating the facts and reasons upon which the result is arrived at, in writing to the Lord Chancellor, who shall cause the report to be published in the Gazette or in such other manner as he may prescribe:

(vii) If, after the publication of the report, or after the period, within which a resolution that an inquiry be held may be passed, has expired without any such resolution being passed, the Lord Chancellor decides to proceed with the draft Order (with or without amendment) he shall cause such draft to be laid upon the table of each House of Parliament:

(viii) The Order shall not be made unless both Houses by resolution approve the draft, either without modification or with modifications to which both Houses agree; but, upon such approval being given, the Order may be made in the form in which the draft has been approved:

(ix) Not more than one such Order shall be made within the period of eleven years from the commencement of this Act:

(x) The first Order shall not affect more than one county with any county borough surrounded by or contiguous to such county:

(xi) Any proceedings preliminary to the making of the Order may be taken before the expiration of the said period of ten years.

(6) Where an order is made under the said section which applies to any of the Ridings of Yorkshire the order

may provide for the transfer to the office of Land Registry of the business of the local deed registry established for the Riding, or for the local deed registry being constituted a district registry under the Acts and for such district registry being administered by the county council or, with the consent of the county council, may contain such other provisions as appear expedient with respect to the local deed registry; and the order may contain such supplemental, incidental, and consequential provisions (including provisions for the modification of the enactments relating to the constitution and administration of the local deed registry, and for the payment of compensation to the county council of the Riding in respect of future loss of fees or otherwise, and to the officers of the registry) as appear necessary or expedient for the purposes of the order.

(7) The words "but no sum shall be payable for compensation in respect of any future loss of fees consequent upon such transfer" at the end of subsection (3) of section twenty-three of the Act of 1897 are hereby repealed.

Miscellaneous Provisions.

Fee orders, and accounts.

184.—(1) The Lord Chancellor, with the consent of the Treasury, may, by order, from time to time provide for the manner in which the money advanced for the acquisition of the site and the erection of new offices at the registry (so far as not already provided for by the existing sinking fund) shall be repaid, secured, or otherwise provided for; and also for the manner in which accounts of receipts and expenditure, as between the several departments of the Land Registry, are to be kept.

(2) Specially reduced fees may be authorised to be charged on the registration of title to land wholly acquired for the purpose of being used as a street or for street widening or improvements or when acquired by a Government Department, a local authority, or other statutory body for permanent objects not involving a resale or other disposition.

Land Registry Public De-

185.—(1) The Commissioners of Inland Revenue, other Government Departments, and local authorities may

furnish to the registrar (on his request) such particulars and information in regard to land and charges, and the registrar may in like manner furnish to the Commissioners of Inland Revenue, other Government Departments, and local authorities (on their request) such particulars and information as they are respectively by law entitled to require owners of property to furnish to them direct. partments and meaning of "Chief Land Registrar."

(2) The registrar shall be known and shall be referred to in all proceedings as the "Chief Land Registrar."

186.—(1) The remuneration of solicitors in conveyancing and other non-contentious business under the Acts, shall from time to time be prescribed and regulated by general orders made by the committee in England constituted or nominated under section two of the Solicitors Remuneration Act, 1881; provided that the Chief Land Registrar shall, for the purposes aforesaid, be an additional member of that committee. Remuneration of solicitors. 44 & 45 Vict. c. 44.

(2) The provisions of the last-mentioned Act shall apply to any general order made under this section.

(3) Subsection (4) of section one hundred and eleven of the Act of 1875 is hereby repealed.

187.—(1) In this Part of this Act "the Act of 1875" and "the Act of 1897" mean respectively the Land Transfer Acts, 1875 and 1897; and "the Acts" mean the Acts of 1875 and 1897 and this Part of this Act. Short titles; extent.

(2) This Part of this Act shall be construed as one with the Acts of 1875 and 1897, and may be cited with those Acts as the Land Transfer Acts, 1875 to 1922.

(3) The Acts apply to land of every tenure, including land, subject or not to manorial incidents, enfranchised by Part V. of this Act.

PART XI.

GENERAL PROVISIONS.

188. In this Act unless a contrary intention appears— General definitions and jurisdiction of the court.

(1) "Land" includes land of any tenure, and mines and minerals, buildings or parts (whether the

division is horizontal, vertical or otherwise) of buildings and other corporeal hereditaments; also a manor, an advowson, and a rent and other incorporeal hereditaments, and an easement, right, privilege, or benefit in, over, or derived from land; but not an undivided share in land; and "mines and minerals" include any strata or seam of minerals or substances in or under any land, and powers of working and getting the same but not an undivided share thereof;

(2) "Registered land" means land registered under the Land Transfer Acts;

(3) "Possession" includes receipt of rents and profits or the right to receive the same, if any; and "income" includes rents and profits;

(4) "Will" includes codicil;

(5) "Rent" includes a rent service or a rentcharge, or other rent, toll, duty, royalty, or annual or periodical payment, in money, or money's worth, issuing out of or charged upon land, but does not include mortgage interest;

(6) "Court" means the High Court of Justice, and also the Court of Chancery of the County Palatine of Lancaster or Durham, or the county court, where those courts respectively have jurisdiction; and all matters within the jurisdiction of the High Court under this Act shall, subject to the Acts regulating the court, be assigned to the Chancery Division of the court; and every application to the court under this Act shall, except where it is otherwise expressed and subject to any rules of court to the contrary, be by summons at chambers, and the court shall have full power and discretion to make such order as it thinks fit respecting the costs, charges and expenses of all or any of the parties to any application;

(7) "Property" includes any thing in action, and any interest in real or personal property, and "notice" includes constructive notice;

(8) In reference to any estate, right, or interest the "person able to dispose thereof on a sale" means the person (including a mortgagee whose power of sale has arisen) who is able on a sale to convey the same to a purchaser free from incumbrances and includes the other persons (if any) whose concurrence or consent, for the purpose of giving a receipt for the purchase money or conveying any estate or interest or consenting to the sale, is necessary for the completion of the sale;

(9) "The Land Transfer Acts" means the Land Transfer Acts, 1875 and 1897, and includes any Act consolidating or amending the same, including this Act; and "Land Registrar" means the registrar under those Acts:

(10) "Gazette" means the London Gazette;

(11) "The Limitation Acts" mean the Real Property Limitation Acts, 1833, 1837, and 1874; and the "Statutes of Distribution" mean sections five, six, and seven of chapter ten of the Act passed in the twenty-second and twenty-third years of the reign of King Charles the Second (the Statute of Distribution), sections five and seven of chapter seventeen of the Act passed in the first year of the reign of King James the Second, and the Executors Act, 1830;

(12) A "term of years absolute" means a term of years (taking effect either in possession or in reversion, but if created after the commencement of this Act then taking effect in possession within twenty-one years after the creation thereof where so required by this Act) with or without impeachment for waste, subject or not to another legal estate and either certain or liable to determination by notice, re-entry, operation of law, or by a provision for cesser on redemption, or in any other event (other than the dropping of a life, or the determination of a determinable life interest), but does not include any term of years determinable with life or lives or with the cesser of a determinable life interest; and in this definition the

expression "term of years" includes a term for less than a year, or for a year or years and a fraction of a year or from year to year;

(13) "Legal estates" mean the estates and interests in land (subsisting or created at law) which are by this Act authorised to subsist or to be created at law; "equitable interests" mean all the other interests and charges in or over land or in the proceeds of sale thereof; an equitable interest "capable of subsisting at law" means such as could validly subsist or be created as a legal estate under this Act; references to an equitable interest or power being protected by a settlement include every case where, by reason of the subsistence of an equitable interest or power, the land remains settled land or is deemed to be settled land; and "estate owner" means the owner of a legal estate, but an infant is not capable of being an estate owner;

(14) "Legal powers" mean the powers vested in a chargee by way of legal mortgage or in an estate owner under which a legal estate can be transferred or created; and "equitable powers" mean all the powers (under which equitable interests or powers only can be transferred or created) in or over land which are not legal powers;

(15) "Instrument" does not include a statute, unless the statute creates a settlement;

(16) "Conveyance" includes a mortgage, charge by way of legal mortgage, lease, assent, vesting declaration, vesting instrument, disclaimer, release and every other assurance of property or of an interest therein by any instrument, except a will, and "convey" has a corresponding meaning;

(17) "Disposition" includes a "conveyance" also a devise bequest and an appointment of property contained in a will which are to take effect in equity only, and "dispose of" has a corresponding meaning;

(18) "Personal representative" means the executor, original or by representation, or administrator for the time being of a deceased person, and as

regards any liability for the payment of death duties includes any person who takes possession of or intermeddles with the property of a deceased person without the authority of the personal representatives or the court;

(19) A "defective" includes every person affected by the provisions of section one hundred and sixteen of the Lunacy Act, 1890, as extended by section sixty-four of the Mental Deficiency Act, 1913, and for whose benefit a receiver has been appointed; 53 Vict. c. 5. 3 & 4 Geo. 5. c. 28.

(20) "Death duty" means estate duty, succession duty, legacy duty, and every other duty leviable or payable on any death which occurs after the commencement of this Act;

(21) "Tenant for life of full age" includes a person of full age beneficially interested in the settled land, who has the powers of a tenant for life under the Settled Land Acts;

(22) "Statutory owner" means the trustees of the settlement or other persons who, during a minority, or at any other time when there is no tenant for life of full age, have the powers of a tenant for life under the Settled Land Acts, but does not include the trustees of the settlement, where by virtue of an order of the court or otherwise the trustees have power to convey the settled land in the name of the tenant for life of full age;

(23) "Settled land" has the same meaning as in the Settled Land Acts, and where the settlement consists of more than one instrument, or where any estate, interest, power or charge is by this Act made to take effect as if limited or protected by the settlement, it includes every estate or interest comprised in such compound settlement;

(24) "Settlement" has the same meaning as in the Settled Land Acts, and includes an instrument which under the Settled Land Acts is deemed to be a settlement, and a settlement which is deemed to have been made by any person or to be subsisting for the purposes of those Acts; and

where any such compound settlement as aforesaid exists it includes that settlement; but it only includes a vesting instrument for giving effect thereto where the context so requires;

(25) "The trustees of the settlement" has the same meaning as in the Settled Land Acts, and where any such compound settlement exists it includes the trustees of that settlement;

(26) "The Settled Land Acts" means the Settled Land Acts, 1882 to 1890, and any Act consolidating or amending the same, including this Act;

(27) "Purchaser" means a purchaser in good faith for money or moneys worth and includes a lessee, mortgagee or other person who in good faith acquires an interest in property for money or money's worth; and in reference to a legal estate includes a chargee by way of legal mortgage;

(28) "Mortgagor," "mortgagee," and "mortgage deed" have the same meanings as in the Conveyancing Act, 1881, "mortgage" includes "mortgage deed"; "charge by way of legal mortgage" means a mortgage created by charge under which, by virtue of this Act, the mortgagee is to be treated as an estate owner in like manner as if a mortgage term by demise or subdemise were vested in him; and "right of redemption" includes an option to re-purchase only if the option in effect creates a right of redemption; and "mortgagee" includes a chargee by way of legal mortgage;

(29) In relation to settled land, "vesting deed" or "vesting order" means the instrument whereby the land is conveyed or vested; "vesting assent" means the instrument whereby a personal representative, after the death of a tenant for life of full age or other sole surviving statutory owner, vests the land in the successor in title or other person entitled; "vesting instrument" means a vesting deed, assent or order; and "trust deed" means the instrument or instruments whereby the trusts of the settled land are declared;

(30) "Trust for sale," in relation to land, means an immediate binding trust for sale, with or without a power at discretion to postpone the sale; "trustees for sale" mean the persons (including a personal representative) holding land on trust for sale; and "full power to postpone a sale" means power to postpone in the exercise of a discretion; and "trust corporation" means the public trustee or a corporation either appointed by the court in any particular case to be a trustee or entitled by rules made under subsection (3) of section four of the Public Trustee Act, 1906, to act as custodian trustee. 6 Edw. 7. c. 55.

(31) "Minister" means the Minister of Agriculture and Fisheries;

(32) References to a child or issue living at the death of any person include a child or issue en ventre sa mère at the death.

189. In this Act, and in particular in Part V., unless the context otherwise requires,— Special definitions applicable to Part V.

"Copyhold land" includes—

(*a*) Land commonly known as customary land or customary freehold land where the freehold is in the lord and not in the customary tenant; and

(*b*) Land of copyhold tenure held for life or lives or for years, whether or not determinable with life, where the tenant has by custom a perpetual right of renewal, subject or not to the fulfilment of any conditions;

(*c*) Land held in free tenure for life or lives or for years, whether or not determinable with life, (but subject to custom) where the tenant has by custom a perpetual right of renewal, subject or not to the fulfilment of any conditions;

"Copyholder in fee" means the person who is admitted in respect of the inheritance;

"Tenant" means the person in whom the enfranchised land is vested by virtue of this Act, and includes the persons deriving title under him;

"Prescribed" means prescribed by regulations made by the Minister;

Other expressions have the same meaning in Part V. of this Act as in the Copyhold Act, 1894, but without prejudice, where applicable, to the general definitions in this Act.

Special definitions applicable to Part VII.

190. In Part VII. of this Act—

(i) "Lessor" means the person for the time being entitled in reversion expectant on the interest demised, or, where the reversion is encumbered, the person having power to accept a surrender of the lease, or underlease;

(ii) "Lessee" and "underlessee" include the persons respectively deriving title under them;

(iii) "A perpetually renewable lease or underlease" means a lease or underlease the holder of which is entitled to enforce (whether or not subject to the fulfilment of any condition) the perpetual renewal thereof, and includes a lease or underlease for a life or lives or for a term of years, whether determinable with life or lives or not, which is perpetually renewable as aforesaid, but does not include copyhold land held for a life or lives or for years, whether or not determinable with life, where the tenant had before the commencement of this Act a right of perpetual renewal subject or not to the fulfilment of any condition;

(iv) "Underlease," unless the context otherwise requires, includes a subterm created out of a derivative leasehold interest.

Short title; commencement; extent.

191.—(1) This Act may be cited as the Law of Property Act, 1922.

(2) This Act shall come into operation on the first day of January, one thousand nine hundred and twenty-five.

(3) This Act (including the repeals therein) shall not extend to Scotland or Ireland.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

PART I.

OUTSTANDING LEGAL ESTATES.

Provisions for discharging or getting in bare outstanding legal estates.

1. If any legal term of years absolute, subsisting at the commencement of this Act, would, if the same had been created out of an estate in fee simple, have been a satisfied term within the meaning of the Satisfied Terms Act, 1845, then that term shall merge in the reversion expectant thereon, and be deemed a satisfied term for the purposes of that Act, and shall cease accordingly.

2. Where at or immediately after the commencement of this Act any owner of a legal estate is entitled, subject only to the payment of the costs of tracing the title and of conveyance, to require any other legal estate to be surrendered, released or conveyed to him, the last-mentioned estate shall (except in the case of a satisfied term) by virtue of this enactment be extinguished or shall vest in manner hereinafter provided.

3. Where at or immediately after the commencement of this Act any person is entitled, subject only to the payment of the costs of tracing the title and of conveyance, to require any legal estate to be conveyed to or otherwise vested in him, the same shall, by virtue of this enactment, vest in manner hereinafter provided. And this provision shall (without prejudice to any claim in respect of fines, fees, and other customary payments) apply to a person who, under a surrender or any disposition having the effect of a surrender, or under a covenant to surrender or otherwise, was, immediately before the commencement of this Act, entitled to require a legal customary estate of inheritance to be vested in him.

4. Any person (not otherwise entitled under the foregoing provisions to have a legal estate vested in him) who, at or immediately after the commencement of this Act, is entitled to an equitable interest capable of subsisting at law which has priority over any legal estate in the same land, shall be deemed to be entitled for the foregoing purposes to require that legal estate to be vested in him for an interest not exceeding in duration the equitable interest, and this enactment shall apply so as to give legal effect to any derivative equitable interests capable of subsisting at law which cannot be overreached by virtue of a subsisting trust for sale or a settlement.

5. Any legal estate acquired by virtue of this enactment shall be held upon the trusts and subject to the powers, provisions, rents, covenants, conditions, rights of redemption (as respects terms of years absolute) and other rights, burdens and obligations (if any) corresponding to the limitations, trusts, powers, provisions, rents, covenants, conditions, rights of redemption and other rights, burdens, and obligations (if any) to, upon and subject to which the equitable interest (if any) which is extinguished by the acquisition of the legal estate would have been held immediately after the commencement of this Act, if it had not been extinguished, or if no interest is extinguished then upon or subject to which the estate acquired ought to go or be held.

6. Under the provisions of this enactment the legal estate affected shall vest:—

(*a*) Where at the commencement of this Act there is a mortgage (not being an equitable charge unsecured by any estate), so as to give legal effect by way of demise or subdemise to the mortgage in accordance with Part I. of this Act;

(*b*) Where the land is at the commencement or by virtue of this Act subject or is made subject to a trust for sale, in the trustees for sale (including personal representatives holding land on trust for sale) but subject to any mortgage term subsisting or created by this Act;

(*c*) Where at the commencement or by virtue of this Act the land is settled, in the personal representative (if any) in whom the land may be vested or in the tenant for life of full age or statutory owner (entitled to require a vesting deed to be executed in his favour) as the case may require, but subject to any mortgage term subsisting or created by this Act;

(*d*) In any case to which paragraphs (*b*) and (*c*) do not apply in the person of full age who, immediately after the commencement of this Act, would have been entitled (subject to the payment of costs and any customary payments) to require the legal estate to be vested in him, but subject to any mortgage term subsisting or created by this Act.

7. If and when any person is registered as proprietor of land in a compulsory area after the commencement of this Act, then this enactment shall apply to any legal estate in the land expressed to be conveyed or created in favour of a purchaser or lessee before the commencement of this Act which failed to pass or to be created by reason of the omission of the purchaser or lessee to be registered as proprietor of the land under the Land

Transfer Acts 1875 and 1897 and shall operate to vest that legal estate in the person so registered as proprietor on his registration, but subject to any mortgage term subsisting or created by this Act.

8. Nothing in this Part of this schedule shall operate—

(*a*) To vest in a mortgagee of a term of years absolute any nominal leasehold reversion which is held in trust for him subject to redemption; or

(*b*) To vest in a mortgagee any legal estate, except a term of years absolute; or

(*c*) To vest any legal estate in a person for an undivided share; or

(*d*) To vest any legal estate in an infant; or

(*e*) To affect prejudicially the priority of any mortgage or other incumbrance subsisting at the commencement of this Act; or

(*f*) To render invalid any limitation or trust which would have been capable of taking effect as an equitable limitation or trust; or

(*g*) To vest in a purchaser (save as provided in the last preceding clause) or his personal representatives any legal estate which he has contracted to acquire and in regard to which a contract (including an agreement to create a legal mortgage) is pending at the commencement of this Act, although the consideration may have been paid or satisfied and the title accepted, or to render unnecessary the conveyance of such estate.

9. No stamp duty shall become payable by reason only of any vesting surrender or release effected by this enactment.

PART II. Section 4.

ENFORCEMENT OF EQUITABLE INTERESTS AND POWERS.

(1) All equitable interests and powers in or over land (whether created before or after any disposition on trust for sale or any vesting instrument affecting the legal estate) shall be enforceable against the personal representative (but subject to his rights and powers for purposes of administration), trustees for sale, tenant for life of full age, or statutory owner of the legal estate affected in manner following (that is to say):—

(i) The trustees for sale (but in the case of personal representatives without prejudice to their rights and powers for purposes of administration) shall stand possessed of the net proceeds of sale after payment

of costs and of the net rents and profits of the land until sale after payment of rates, taxes, costs of insurance, repairs, and other outgoings, upon such trusts and subject to such powers and provisions as may be requisite for giving effect to the equitable interests and powers affecting the same according to their respective priorities:

(ii) Where, by reason of the exercise of any equitable power or under any trust affecting the proceeds of sale, any principal sum is required to be raised, or any person of full age becomes entitled to require a legal estate in the land to be vested in him in priority to the trust for sale, then, unless the claim is satisfied out of the net proceeds of sale, the trustees for sale shall (if so requested in writing) be bound to transfer or create such legal estates, to take effect in priority to the trust for sale, as may be required for raising the money (by way of demise or subdemise, or by charge by way of legal mortgage) or for giving legal effect to the rights of the person so entitled:

Provided that, if the proceeds of sale are held in trust for persons of full age in undivided shares absolutely (free from incumbrances affecting undivided shares), those persons shall not be entitled to require the land to be conveyed to them in undivided shares, but may (subject to legal effect being given by demise or subdemise, or by charge by way of legal mortgage, to incumbrances affecting the entirety) require the same to be vested in any of them (not exceeding four) as joint tenants on trust for sale; and if the conveyance purports to transfer the land to any of them in undivided shares or to more than four such persons, it shall operate only as a transfer to them or (if more than four) to the four first named therein as joint tenants on trust for sale with full power to postpone the sale:

(iii) The tenant for life of full age or statutory owner (including a personal representative where the settled land is vested in him, but without prejudice to his rights and powers for purposes of administration) shall stand possessed of the settled land and the income thereof upon such trusts and subject to such powers and provisions as may be requisite for giving effect to the equitable interests and powers affecting the settled land or the income thereof according to their respective priorities:

(iv) Where, by virtue of any trust or by reason of the exercise of an equitable power affecting the settled land, any principal sum is required to be raised, or any person of full age becomes entitled to require a legal estate in the settled land to be vested in him in priority to the settlement, then (unless where a principal sum is raiseable the claim is discharged out of capital money) the tenant for life of full age, statutory owner, or personal representative in whom the settled land is vested shall be bound (if so requested in writing) to transfer or create such legal estates, to take effect in priority to the settlement, as may be required for raising the money (by demise or subdemise, or by charge by way of legal mortgage) or for giving effect to the rights of the person so entitled:

Provided that, so long as the settlement remains subsisting, no legal estate shall be transferred or created for the purposes aforesaid except to satisfy or give effect to a claim which (by reason of money being actually raised, or of an exercise of an equitable power having priority to all the limitations or trusts of the settlement) ought no longer to be capable of being overreached under the powers of the Settled Land Acts.

(2) If the legal estate is not vested in personal representatives or in trustees for sale, and there are no trustees of a settlement to whom capital money can be lawfully paid, then the estate owner shall be liable in equity to give effect to the equitable interests and powers affecting his estate of which he has notice according to their respective priorities, and, if any capital money arises under the transaction, shall not, by virtue of this Act, be entitled to overreach the same in favour of a purchaser with notice thereof, until such trustees as aforesaid are appointed, without the concurrence of the persons interested. This provision shall not affect the priority or powers of a mortgagee by demise or subdemise, or a chargee by way of legal mortgage.

(3) Legal effect may be given, by means of a mortgage by demise or subdemise, or a charge by way of legal mortgage, to an agreement for a mortgage a charge or lien (whether or not arising by operation of law) if the agreement, charge or lien ought, in accordance with the foregoing provisions, to have priority, over the trust for sale or the settlement.

(4) Where, by reason of a right of reverter, statutory or otherwise, or an equitable right of entry taking effect or otherwise, a person becomes entitled to require a legal estate to be vested in him, then and in any such case the estate owner whose estate is affected shall be liable in equity to convey or create such legal estates as the case may require.

(5) If any question arises whether any and what legal estate ought to be transferred or created as aforesaid, any person interested may apply to the court for directions in the manner provided by this Act.

(6) If the trustees for sale, tenant for life of full age, statutory owner or personal representatives or other estate owners refuse or neglect for one month after demand to transfer or create any such legal estate, or if by reason of their being out of the United Kingdom, or being unable to be found, or by reason of the dissolution of a corporation, or for any other reason, the court is satisfied that the transaction cannot otherwise be effected, or cannot be effected without undue delay or expense, the court may, on the application of any person interested, make a vesting order transferring or creating a legal estate in the manner provided by this Act.

Section 9.

SECOND SCHEDULE.

PROVISIONS AS TO MORTGAGES.

Existing freehold mortgages to take effect by way of demise.

1.—(1) All land vested in a first or only mortgagee for an estate in fee simple, whether legal or equitable, shall, from and after the commencement of this Act, vest in the first or only mortgagee for a term of three thousand years from such commencement, without impeachment of waste, but subject to a provision for cesser corresponding to the right of redemption which, at such commencement, was subsisting with respect to the fee simple.

(2) All land vested in a second or subsequent mortgagee for an estate in fee simple (whether legal or equitable) shall, from and after the commencement of this Act, vest in the second or subsequent mortgagee for a term one day longer than the term vested in the first or other mortgagee whose security ranks immediately before that of such second or subsequent mortgagee, without impeachment of waste, but subject to the term or terms vested in such first or other prior mortgagee and subject to a provision for cesser corresponding to the right of redemption which, at such commencement, was subsisting with respect to the fee simple.

(3) The estate in fee simple which, at the commencement of this Act, was vested in any such mortgagee shall, from and after such commencement, vest in the mortgagor or tenant for life of full age, statutory owner, trustee for sale, personal representative, or other person of full age who,

if all money owing on the security of the mortgage and all other mortgages or charges (if any) had been discharged immediately after the commencement of this Act, would have been entitled to have the fee simple conveyed to him, but subject to any mortgage term created by this section or otherwise and to the money secured by any such mortgage or charge.

(4) If a sub-mortgage (by conveyance of the fee simple) is subsisting at the commencement of this Act, the principal mortgagee shall take the principal term created by subsections (1) or (2) of this section (as the case may require) and the sub-mortgagee shall take a derivative term less by one day than the term so created, without impeachment of waste, subject to a provision for cesser corresponding to the right of redemption subsisting under the sub-mortgage.

(5) This section applies to land enfranchised by this Act as well as to land which was freehold before the commencement of this Act, and whether or not the land is registered under the Land Transfer Acts, or the mortgage is made by way of trust for sale or otherwise.

(6) Any mortgage to which this section applies may, by a declaration in writing to that effect by the mortgagee, be converted into a charge by way of legal mortgage, in which case the mortgage term shall be extinguished in the inheritance and the mortgagee shall have the same protection, powers, and remedies (including the right to take proceedings to obtain possession from the occupiers and the persons in receipt of rents and profits or any of them) as if the mortgage term had remained subsisting. The power conferred by this subsection may be exercised by a mortgagee notwithstanding that he is a trustee or personal representative.

(7) Nothing in this section or in any such declaration shall affect the priority of any mortgagee or his right to retain possession of documents, nor affect his title to or rights over any fixtures or chattels personal comprised in the mortgage.

(8) This section does not apply unless a right of redemption is subsisting at the commencement of this Act.

Existing leasehold mortgages to take effect by sub-demise.

2.—(1) All leasehold land vested in a first or only mortgagee by way of assignment of a term of years absolute shall, from and after the commencement of this Act, vest in the first or only mortgagee for a term equal to the term assigned by the mortgage, less the last ten days thereof, but subject to a provision for cesser corresponding to the right of redemption which at such commencement was subsisting with respect to the term assigned.

(2) All leasehold land vested in a second or subsequent mortgagee by way of assignment of a term of years absolute (whether legal or equitable) shall, from and after the commencement of this Act, vest in the second or subsequent mortgagee for a term one day longer than the term vested in the first or other mortgagee whose security ranks immediately before that of such second or subsequent mortgagee if the length of the last-mentioned term permits, and in any case for a term less by one day at least than the term assigned by the mortgage, but subject to the term or terms vested in such first or other prior mortgagee, and subject to a provision for cesser corresponding to the right of redemption which, at the commencement of this Act, was subsisting with respect to the term assigned by the mortgage.

(3) The term of years absolute which was assigned by any such mortgage shall, from and after the commencement of this Act, vest in the mortgagor or tenant for life of full age, statutory owner, trustee for sale, personal representative, or other person of full age who, if all the money owing on the security of the mortgage and all other mortgages or charges (if any) had been discharged immediately after the commencement of this Act, would have been entitled to have the term assigned or surrendered to him, but subject to any derivative mortgage term created by this section or otherwise and to the money secured by any such mortgage or charge.

(4) If a sub-mortgage (by assignment of a term) is subsisting at the commencement of this Act, the principal mortgagee shall take the principal derivative term created by subsections (1) or (2) of this section or the derivative term created by his mortgage (as the case may require), and the sub-mortgagee shall take a derivative term less by one day than the term so vested in the principal mortgagee, subject to a provision for cesser corresponding to the right of redemption subsisting under the sub-mortgage.

(5) This section applies to perpetually renewable leaseholds, and to leaseholds for lives, which are by this Act converted into long terms, with the following variations, namely:—

(*a*) The term to be taken by a first or only mortgagee shall be ten days less than the term created by Part VII. of this Act:

(*b*) The term to be taken by a second or subsequent mortgagee shall be one day longer than the term vested in the first or other mortgagee whose security ranks immediately before that of the second or subsequent mortgagee if the length of the last-mentioned term permits, and in any case for a term less by one day at least than the term created by Part VII. of this Act:

(c) The term created by Part VII. of this Act shall, from and after the commencement of this Act, vest in the mortgagor or tenant for life of full age, statutory owner, trustee for sale, personal representative, or other person of full age who, if all the money owing on the security of the mortgage and all other mortgages or charges (if any) had been discharged immediately after the commencement of this Act, would have been entitled to have the term assigned or surrendered to him, but subject to any derivative term created by this section or otherwise and to the money secured by any such mortgage or charge.

(6) This section applies whether or not the leasehold land is registered under the Land Transfer Acts or the mortgage is made by way of trust for sale or otherwise.

(7) Any mortgage to which this section applies may, by a declaration in writing to that effect by the mortgagee, be converted into a charge by way of legal mortgage, in which case the mortgage term shall be extinguished in the head term, and the mortgagee shall have the same protection, powers, and remedies (including the right to take proceedings to obtain possession from the occupiers and the persons in receipt of rents and profits or any of them) as if the mortgage term had remained subsisting. The power conferred by this subsection may be exercised by a mortgagee notwithstanding that he is a trustee or personal representative.

(8) Nothing in this section or in any such declaration shall affect the priority of any mortgagee or his right to retain possession of documents, nor affect his title to or rights over any fixtures or chattels personal comprised in the mortgage, but this section does not apply unless a right of redemption is subsisting at the commencement of this Act.

Mode of mortgaging freeholds.

3.—(1) After the commencement of this Act, a legal mortgage of an estate in fee simple shall only be capable of being effected either by a demise for a term of years absolute, subject to a provision for cesser on redemption, or by a charge by deed expressed to be by way of legal mortgage, in which case the mortgagee shall have the same protection, powers, and remedies (including the right to take proceedings to obtain possession from the occupiers and the persons in receipt of rents and profits or any of them) as if a mortgage term for three thousand years without impeachment for waste had been thereby created in favour of the mortgagee.

(2) Any purported conveyance of an estate in fee simple by way of mortgage made after the commencement of this Act shall (to the extent of the estate of the mortgagor) operate as a demise of the land to the mortgagee for a term of

years absolute, without impeachment for waste, but subject to cesser on redemption in manner following, namely :—

(*a*) A first or only mortgagee shall take a term of three thousand years from the date of the mortgage :

(*b*) A second or subsequent mortgagee shall take a term (commencing from the date of the mortgage) one day longer than the term vested in the first or other mortgagee whose security ranks immediately before that of such second or subsequent mortgagee :

And, in this subsection, any such purported conveyance as aforesaid includes an absolute conveyance with a deed of defeasance and any other assurance which (but for this subsection) would operate in effect to vest the fee simple in a mortgagee subject to redemption.

(3) But where the mortgage includes fixtures or chattels personal the statutory power of sale and the rights to foreclose and take possession shall extend to the absolute or other interest therein affected by the charge.

(4) This section applies whether or not the land is registered under the Land Transfer Acts or the mortgage is expressed to be made by way of trust for sale or otherwise ; and a first mortgagee shall have the same right to possession of documents as if his security included the fee simple.

(5) Without prejudice to the provisions of this Act respecting legal and equitable powers, every power to mortgage or to lend money on mortgage of an estate in fee simple shall be construed as a power to mortgage the same for a term of years absolute, without impeachment for waste, or by a charge by way of legal mortgage or to lend on such security.

(6) Nothing in this Act shall affect the rule of law that a legal term may be created to take effect in reversion expectant on a longer term.

Mode of mortgaging leaseholds.

4.—(1) After the commencement of this Act, a legal mortgage of a term of years absolute shall only be capable of being effected either by a subdemise for a term of years absolute, less by one day at least than the term vested in the mortgagor, and subject to a provision for cesser on redemption, or by a charge by deed expressed to be by way of legal mortgage, in which case the mortgagee shall have the same protection, powers, and remedies (including the right to take proceedings to obtain possession from the occupiers and the persons in receipt of rents and profits or any of them) as if a subterm less by one day than the term vested in the mortgagor had been thereby created in favour of the mortgagee. And where a licence to subdemise by way of mortgage is required, such licence shall not be unreasonably refused.

(2) Any purported assignment of a term of years absolute by way of mortgage made after the commencement of this Act shall (to the extent of the estate of the mortgagor) operate as a subdemise of the leasehold land to the mortgagee for a term of years absolute, but subject to cesser on redemption, in manner following, namely:—

(*a*) The term to be taken by a first or only mortgagee shall be ten days less than the term expressed to be assigned:

(*b*) The term to be taken by a second or subsequent mortgagee shall be one day longer than the term vested in the first or other mortgagee whose security ranks immediately before that of the second or subsequent mortgagee if the length of the last mentioned term permits, and in any case for a term less by one day at least than the term expressed to be assigned:

And, in this subsection, any such purported assignment as aforesaid includes an absolute assignment with a deed of defeasance and any other assurance which (but for this subsection) would operate in effect to vest the term of the mortgagor in a mortgagee subject to redemption.

(3) But where the mortgage includes fixtures or chattels personal the statutory power of sale and the rights to foreclose and take possession shall extend to the absolute or other interest therein affected by the charge.

(4) This section applies whether or not the land is registered under the Land Transfer Acts, or the mortgage is made by way of sub-mortgage of a term of years absolute, or is expressed to be by way of trust for sale or otherwise, and a first mortgagee shall have the same right to possession of documents as if his security had been effected by assignment.

(5) Without prejudice to the provisions of this Act respecting legal and equitable powers, every power to mortgage or to lend money on mortgage of a term of years absolute by way of assignment shall be construed as a power to mortgage the same by subdemise for a term of years absolute or by a charge by way of legal mortgage, or to lend on such security.

Realisation of freehold mortgages.

5.—(1) Where a mortgagee of a term of years absolute, limited out of an estate in fee simple or a chargee by way of legal mortgage affecting an estate in fee simple sells under his statutory or express power of sale, the conveyance by him (made after the commencement of this Act) shall operate to vest the fee simple in the land conveyed in the purchaser (subject to any mortgage term or charge by way of legal mortgage having priority to the mortgage in right of which the sale is made and to any money thereby secured), and thereupon the mortgage

term (if any) and any subsequent mortgage term or charge by way of legal mortgage shall merge or be extinguished as respects the land conveyed; and such conveyance may, as respects the fee simple, be made in the name of the estate owner in whom it is vested.

(2) Where any such mortgagee obtains an order for foreclosure absolute, the order shall operate to vest the fee simple in him (subject to any mortgage term or charge by way of legal mortgage having priority to the mortgage in right of which the foreclosure is obtained and to any money thereby secured), and thereupon the mortgage term (if any) shall thereby be enlarged into the fee simple, and any subsequent mortgage term or charge by way of legal mortgage bound by the order shall thereupon be extinguished.

(3) Where any such mortgagee acquires a title under the Limitation Acts, he, or the persons deriving title under him, may enlarge the mortgage term into a fee simple under the provisions of section sixty-five of the Conveyancing Act, 1881, discharged from any mortgage term or charge by way of legal mortgage affected by the title so acquired, or in the case of a chargee by way of legal mortgage may by deed declare that the fee simple is vested in him discharged as aforesaid, and the same shall vest accordingly.

(4) In the case of a sub-mortgage by subdemise of a long term (less a nominal period) itself limited out of an estate in fee simple, the foregoing provisions of this section shall operate as if the derivative term (if any) created by the sub-mortgage had been limited out of the fee simple, and so as to enlarge the principal term and extinguish the derivative term created by the sub-mortgage as aforesaid.

(5) This section applies whether the mortgage was created before or after the commencement of this Act but shall not operate to confer a better title to the fee simple than would have been acquired if the same had been conveyed by the mortgage (being a valid mortgage) and the restrictions imposed by this Act in regard to the effect and creation of mortgages were not in force, and all prior mortgages (if any) had been created by demise or by charge by way of legal mortgage.

Realisation of leasehold mortgages.

6.—(1) Where a mortgagee of a term of years absolute limited out of another term of years absolute or a chargee by way of legal mortgage affecting any such term sells under his statutory or express power of sale, the conveyance by him (made after the commencement of this Act) shall operate to convey not only the mortgage term, if any, but also (unless expressly excepted) the leasehold reversion affected by the mortgage to the purchaser (subject to any mortgage term or charge by way of legal mortgage having priority to the mortgage in right of which the sale is made and to any money thereby secured) and

the mortgage term, if any, and any subsequent mortgage term or charge by way of legal mortgage shall, subject to any express provision to the contrary contained in the conveyance, merge in such leasehold reversion or be extinguished therein; and such conveyance may, as respects the leasehold reversion, be made in the name of the estate owner in whom it is vested. And where a licence to assign is required on a sale by a mortgagee, such licence shall not be unreasonably refused.

(2) Where any such mortgagee or chargee by way of legal mortgage obtains an order for foreclosure absolute, the order shall (unless it otherwise provides) operate (without giving rise to a forfeiture for want of a licence to assign) to vest the leasehold reversion affected by the mortgage and any subsequent mortgage term in him, and thereupon the mortgage term and any subsequent mortgage term or charge by way of legal mortgage bound by the order shall (subject to any express provision to the contrary contained in the order) merge in such leasehold reversion or be extinguished therein.

(3) Where any such mortgagee or chargee by way of legal mortgage acquires a title under the Limitation Acts, he, or the persons deriving title under him, may by deed declare that the leasehold reversion affected by the mortgage and any subsequent mortgage term affected by the title so acquired shall vest in him, free from any right of redemption which is barred, and the same shall (without giving rise to a forfeiture for want of a licence to assign) vest accordingly, and thereupon the mortgage term, if any, and any other mortgage term or charge by way of legal mortgage affected by the title so acquired shall (subject to any express provision to the contrary contained in the deed) merge in such leasehold reversion or be extinguished therein.

(4) In the case of a sub-mortgage by subdemise of a term (less a nominal period) itself limited out of a leasehold reversion, the foregoing provisions of this section shall operate as if the derivative term created by the sub-mortgage had been limited out of the leasehold reversion and so as (subject as aforesaid) to merge the principal mortgage term therein as well as the derivative term created by the sub-mortgage.

(5) This section shall take effect without prejudice to any incumbrance or trust affecting the leasehold reversion which has priority over the mortgage in right of which the sale, foreclosure, or title is made or acquired, and shall apply whether the mortgage is executed before or after the commencement of this Act, but shall not apply where the mortgage term does not comprise the whole of the land included in the leasehold reversion unless the rent (if any) payable in respect of that reversion has been apportioned as respects the

land affected, or the rent is of no money value, or no rent is reserved, and unless the lessees covenants and conditions (if any) have been apportioned, either expressly or by implication, as respects the land affected.

Realisation of equitable charges by the court.

7.—(1) Where an order for sale is made by the court in reference to an equitable charge on land (not secured by a legal term of years absolute or by a charge by way of legal mortgage) the court may, in favour of a purchaser, make a vesting order conveying the land or creating a legal term of years absolute therein, or may appoint a person to convey the land or create a legal term of years absolute, as the case may require, in like manner as if the charge had been created by demise or subdemise or by a charge by way of legal mortgage pursuant to this Act, but without prejudice to any incumbrance having priority to the charge unless the incumbrancer consents to the sale.

(2) This section applies to charges and liens made or arising before or after the commencement of this Act, but not to charges which have been over-ridden by reason of no land charge having been registered or otherwise, under the powers conferred by this Act before a lis pendens has been registered in respect of the proceedings.

Consolidation, tacking and further advances.

8.—(1) Nothing in Part I. of this Act shall, in reference to mortgages, affect any right of consolidation subsisting at the commencement of this Act or render inoperative a stipulation, in relation to any mortgage made before or after such commencement, that section seventeen of the Conveyancing Act, 1881, shall not apply thereto.

(2) Nothing in Part I. of this Act shall affect any priority acquired before the commencement of this Act by tacking, or in respect of further advances made, without notice of a subsequent incumbrance or by arrangement with the subsequent incumbrancer.

(3) After the commencement of this Act, the right of a prior mortgagee to make further advances to rank in priority to subsequent mortgages (whether legal or equitable) without an arrangement being made with the subsequent mortgagees, shall depend on whether he had notice of the subsequent mortgages at the time when the advance was made by him.

(4) In reference to the making of further advances after the commencement of this Act a mortgagee shall not be deemed to have notice of an incumbrance merely by reason that it was registered as a land charge or in a local deeds registry, if it was not so registered at the date of the original advance or when the last search (if any) was made, which last happened,

but in other respects the registration in a deeds registry shall operate as notice of the incumbrance as respects land within the jurisdiction of the local registry.

(5) This section applies to mortgages of freehold and leasehold land made before or after the commencement of this Act, but not to charges registered under the Land Transfer Acts.

As to taking possession and as to undivided shares and the cesser of mortgage terms.

9.—(1) Nothing in Part I. of this Act shall affect prejudicially the right of a mortgagee of land (whether or not his charge is secured by a legal term of years absolute) to take possession of the land, or to appoint a receiver of the income thereof.

(2) A mortgagee of an undivided share in land shall have the same power to sell his share in the proceeds of sale of the land and in the rents and profits thereof until sale, as, independently of Part I. of this Act, he would have had in regard to the share in the land; and shall also have a right to require the trustees for sale in whom the land is vested to account to him for the income attributable to that share or to appoint a receiver to receive the same from such trustees corresponding to the right which, independently of Part I. of this Act, he would have had to take possession or to appoint a receiver of the rents and profits attributable to the same share.

(3) Without prejudice to the right of a tenant for life or other person having only a limited interest in the equity of redemption to require a mortgage to be kept alive by transfer or otherwise, a mortgage term shall, after the money secured by the mortgage has been discharged, become a satisfied term and shall cease.

THIRD SCHEDULE.

Section 10.

PROVISIONS AS TO UNDIVIDED SHARES.

Vesting of land held in undivided shares in trustees on trust for sale, and repeal of the Partition Acts.

1. Where, at the commencement of this Act, land is held at law or in equity in undivided shares vested in possession the following provisions shall apply:—

(1) If the entirety of the land is vested in trustees or personal representatives (subject or not to incumbrances affecting the entirety or an undivided share) in trust for persons entitled in undivided shares, it shall be held by, or vest free from incumbrances

affecting undivided shares or not secured by a legal term of years absolute (created by this Act or otherwise) or by a charge by way of legal mortgage in such trustees or personal representatives (but in the latter case subject to their rights and powers for purposes of administration) upon trust to sell the same or any part thereof (with full power to postpone the sale) and to stand possessed of the net proceeds of sale, after payment of costs, and of the net rents and profits until sale after payment of rates, taxes, costs of insurance, repairs, and other outgoings upon such trusts, and subject to such powers and provisions as may be requisite for giving effect to the rights of the persons (including incumbrancers of undivided shares or whose incumbrance is not secured by a legal term of years absolute or by a charge by way of legal mortgage) interested in the shares, which trusts, powers, and provisions (including the trust for sale) are in this section referred to as "the statutory trusts":

(2) If the entirety of the land (not being settled land) is vested absolutely and beneficially in not more than four persons of full age entitled to the same in undivided shares (subject or not to incumbrances affecting the entirety but free from incumbrances affecting undivided shares), it shall, by virtue of this Act, vest in them as joint tenants upon the statutory trusts:

(3) If the entirety of the land is settled land (subject or not to incumbrances affecting the entirety or an undivided share) held under one and the same settlement, it shall, by virtue of this Act, vest, free from incumbrances affecting undivided shares or not secured by a legal term of years absolute (created by this Act or otherwise) or by a charge by way of legal mortgage, in the trustees (if any) of the settlement as joint tenants upon the statutory trusts:

Provided that—

(i) If there are no such trustees, then, pending their appointment, the land shall, by virtue of this Act, vest (free as aforesaid) in the Public Trustee upon the statutory trusts;

(ii) The Public Trustee shall not be entitled to act in the trust, or charge any fee, or be liable in any manner, unless and until requested in writing to act by or on behalf of persons interested to the extent of more than an undivided half of the land or the income thereof;

(iii) After the Public Trustee has been so requested to act, and has accepted the trust, no trustee shall (except by an order of the court) be appointed in his place without his consent;

(iv) If, before the Public Trustee has accepted the trust, trustees of the settlement are appointed, the land shall, by virtue of this Act, vest (free as aforesaid) in them as joint tenants upon the statutory trusts;

(v) If, before the Public Trustee has accepted the trust, the persons having power to appoint new trustees are unwilling to make an appointment, or if the person having power to apply to the court under section thirty-eight of the Settled Land Act, 1882, neglects to make the application for at least three months after being requested in writing so to do, or if the tenants for life of the undivided shares are unable to agree, then any person interested under the settlement may apply to the court under section thirty-eight aforesaid:

(4) In any other case to which the foregoing provisions of this section do not apply, the entirety of the land shall vest (free as aforesaid) in the Public Trustee upon the statutory trusts:

Provided that—

(i) The Public Trustee shall not be entitled to act in the trust, or charge any fee, or be liable in any manner, unless and until requested in writing to act by or on behalf of the persons interested to the extent of more than an undivided half of the land or the income thereof;

(ii) After the Public Trustee had been so requested to act, and has accepted the trust, no trustee shall (except by an order of the court) be appointed in his place without his consent;

(iii) Any persons interested in more than an undivided half of the land or the income thereof may appoint new trustees in the place of the Public Trustee with the consent of any incumbrancers of undivided shares (but so that a purchaser shall not be concerned to see whether any such consent has been given) and vest the land in the persons so appointed (free as aforesaid) upon the statutory trusts; or such persons may (without such consent as aforesaid), at any time, whether or not the Public Trustee has accepted

the trust, apply to the court for the appointment of trustees of the land, and the court may make such order as it thinks fit, and if thereby trustees of the land are appointed, the same shall, by virtue of this Act, vest (free as aforesaid) in the trustees as joint tenants upon the statutory trusts;

(iv) If the persons interested to the extent of more than an undivided half of the land or the income thereof do not either request the Public Trustee to act, or (whether he refuses to act or has not been requested to act) apply to the court for the appointment of trustees in his place, within three months from the time when they shall have been requested in writing by any person interested so to do, then and in any such case any person interested may apply to the court for the appointment of trustees in the place of the Public Trustee, and for an order vesting the land in such trustees (free as aforesaid) upon the statutory trusts, and the court may make such order as it thinks fit;

(5) The court or the Public Trustee may act on primâ facie evidence given by affidavit or by statutory declaration as respects the undivided shares without investigating the title to the land:

(6) Where at the commencement of this Act the entirety of the land is vested in undivided shares in the same mortgagees and the rights of redemption are the same as might have been subsisting if the entirety had been mortgaged by an owner before the undivided shares were created, then the land shall, by virtue of this Act, vest in the mortgagees as joint tenants for a legal term of years absolute (in accordance with this Act) subject to cesser on redemption by the trustees for sale in whom the equity of redemption is vested by this Act, and for the purposes of this section the mortgage shall be deemed an incumbrance affecting the entirety:

(7) This section does not prejudice incumbrancers whose incumbrances affect the entirety of the land at the commencement of this Act, but the land shall vest in them for legal terms of years absolute in accordance with this Act in priority to the statutory trusts; and in this section "incumbrance" does not include land tax, tithe rentcharge, or any similar charge on the land not created by an instrument:

(8) The trust for sale and powers of management vested in the persons who hold the entirety of the land on trust for sale shall (save as hereinafter mentioned) be exerciseable with the consent of any incumbrancer (of

full age) affected whose incumbrance is divested by this section, but a purchaser shall not be concerned to see or inquire whether any such consent has been given nor, where the incumbrancer is not in possession, shall any such consent be required if, independently of Part I. of this Act, the transaction would have been binding on him, had the same been effected by the mortgagor:

(9) This section does not apply to land in respect of which a subsisting contract for sale (whether made under an order in a partition action or by or on behalf of all the tenants in common or coparceners) is in force at the commencement of this Act if the contract is completed in due course, nor to land in respect of which a partition action is pending at such commencement if an order for a partition or sale is subsequently made in such action:

(10) The Partition Acts, 1868 and 1876, are hereby repealed without prejudice to any proceedings thereunder commenced before the commencement of this Act, and to the jurisdiction of the court to make any orders in reference thereto, and subject to the following provisions, namely:— 31 & 32 Vict. c. 40. 39 & 40 Vict. c. 17.

(i) In any proceedings, and at any stage thereof, any person or persons interested individually or collectively to the extent of one half or upwards in the land to which the proceedings relate, may apply to the court for an order staying such proceedings;

(ii) The court may upon such application make an order staying the proceedings as regards the whole or any part, not being an undivided share, of the land;

(iii) As from the date of such order the said Acts shall cease to apply to the land affected by the order and the provisions of this Act shall apply to such last-mentioned land;

(iv) The court may by such order appoint trustees of the land and the same shall by virtue of this Act vest (free as aforesaid) in the trustees as joint tenants upon the statutory trusts;

(v) The court may order that the costs of the proceedings and of the application shall be raised by the trustees, by mortgage of the land or any part thereof (by demise or subdemise or by charge by way of legal mortgage), and paid either wholly or partially into court or to the trustees;

(vi) The court may act on such evidence as appears to be sufficient, without investigating the title to the land.

Undivided shares (after this Act) to take effect behind a trust for sale of the land.

2.—(1) If and when, after the commencement of this Act, settled land is held in trust for persons entitled in possession under a settlement in undivided shares, the trustees of the settlement may require the tenant for life of full age or other statutory owner, or the personal representative in whom the land is vested, to convey the settled land to them (if not already vested in them), or assent to the same vesting in them as joint tenants at the cost of the trust estate, in like manner as if, immediately before the limitation creating the undivided shares, the land had been limited to the trustees on trust for sale, and in the meantime the land shall be held on the same trusts as would have been applicable thereto if it had been conveyed to the trustees.

(2) If and when the settled land so held in undivided shares becomes vested in the trustees of the settlement, it shall be held by them upon trust to sell the same or any part thereof (but not so as to prejudice any interest in tail in the net proceeds of sale) with full power to postpone the sale, and to stand possessed of the net proceeds of sale, after payment of costs, and of the net rents and profits until sale, after payment of rates, taxes, costs of insurance, repairs, and other outgoings, upon such trusts and subject to such powers and provisions as may be requisite for giving effect to the rights of the persons interested in the shares, which trusts, powers, and provisions (including the trust for sale) are in this section referred to as the "statutory trusts."

(3) If the tenant for life of full age, statutory owner, or personal representative refuses or neglects for one month after demand in writing to convey the settled land so held in undivided shares in manner aforesaid, or if by reason of any such person being out of the United Kingdom or being unable to be found, or for any other reason the court is satisfied that the conveyance cannot otherwise be made, or cannot be made without undue delay or expense, the court may, on the application of the trustees of the settlement, make an order vesting the settled land in them on the statutory trusts in the manner provided by this Act.

(4) Where undivided shares in land, created before the commencement of this Act, fall into possession after such commencement, the foregoing provisions of this section shall apply, and accordingly the land shall thereupon be conveyed to trustees for sale as joint tenants, and in the meantime shall be held on the same trusts as if it had been so conveyed.

(5) A devise, bequest, or testamentary appointment of land to two or more persons in undivided shares shall operate in equity as a devise or bequest of the land to the trustees (if any) of the will for the purposes of the Settled Land Acts, or, if no

such trustees are appointed, then to the personal representatives of the testator, and in each case (but without prejudice to the rights and powers of the personal representatives for purposes of administration) upon the statutory trusts.

(6) After the commencement of this Act an undivided share in land shall not be capable of being created except under a settlement; but this subsection does not apply to a declaration of trust of the proceeds of sale of land which is subject to a trust for sale.

(7) Where, after such commencement, land is expressed to be conveyed to persons of full age in undivided shares, the conveyance shall (notwithstanding anything to the contrary in this Act) operate as if the land had been expressed to be conveyed to the grantees, if four or less, or if more than four then to the four first named in the conveyance, as joint tenants upon the statutory trusts and so as to give effect to the rights of the persons who would have been entitled to the shares had the conveyance been valid, save that where the conveyance is made by way of mortgage the land shall vest in the grantees for a term of years absolute (as provided by this Act) or in the four first named, as joint tenants subject to cesser on redemption in like manner as if the mortgage money had belonged to them on a joint account, but without prejudice to the beneficial interests in the mortgage money and interest.

Joint tenancies.

3.—(1) Where a legal estate (not being settled land) is vested in joint tenants beneficially and any tenant desires to sever the joint tenancy in equity, he may give to the other or others a notice in writing of such desire or do such other acts or things as would in the case of personal estate have been effectual to sever the tenancy in equity, and thereupon the land shall be held by them as joint tenants on trust for sale with full power to postpone the sale and the net proceeds of sale and the net rents and profits until sale shall be held upon the trusts which would have been requisite for giving effect to the beneficial interests if there had been an actual severance. Section sixty-seven of the Conveyancing Act, 1881, shall apply to any such notice.

(2) From and after the commencement of this Act, no severance of a joint tenancy of a legal estate, so as to create a tenancy in common in land, shall be permissible, whether by operation of law or otherwise, but this subsection does not affect the right of a joint tenant to release his interest to the other or others, or the right to sever a joint tenancy in an equitable interest (whether or not the legal estate is vested in the joint tenants) but when so vested the land shall be held by the joint tenants on trust for sale.

(3) Where a legal estate (not being settled land) is held in trust for any persons as joint tenants, the same shall be

held on trust for sale, with full power to postpone the sale, in like manner as if the persons beneficially entitled were tenants in common, but not so as to sever their joint tenancy in equity.

(4) From and after the commencement of this Act, every tenancy by entireties shall be converted into a joint tenancy, and in any disposition made or coming into operation after such commencement, a husband and wife shall, for all purposes of acquisition of any interest in property, be treated as two persons.

Rules of court.

4. Rules of court may be made for the purpose of giving effect to the provisions in this schedule.

Section 11.

FOURTH SCHEDULE.

DISPOSITIONS ON TRUST FOR SALE.

Appointment of trustees of dispositions on trust for sale.

1.—(1) The persons having power to appoint new trustees of a conveyance on trust for sale shall be bound to appoint the same persons (if any) who are for the time being trustees of the settlement of the proceeds of sale, but a purchaser shall not be concerned to see whether the proper persons are appointed to be trustees of the conveyance of the land.

(2) This section applies whether the settlement of the proceeds of sale or the conveyance on trust for sale comes into operation before or after the commencement of this Act.

Consents to the execution of a trust for sale; as to giving effect to the wishes of the persons interested and protection to trustees.

2.—(1) If the consent of more than two persons is made requisite by the disposition to the execution of a trust for sale of land then, in favour of a purchaser, the consent of any two of such persons to the execution of the trust or to the exercise of any statutory or other powers vested in the trustees for sale shall be deemed sufficient.

(2) A consent by a person not sui juris or who becomes subject to disability expressed to be required by a disposition in the case of any such trust or power shall not in favour of a purchaser be deemed to be requisite to the execution of the trust or the exercise of the power; but the trustees shall, in any such case, obtain the separate consent of the parent or testamentary or other guardian of an infant or of the committee or receiver (if any) of a lunatic or defective.

(3) The trustees for sale shall, so far as practicable, give effect to the wishes of the persons of full age for the time being beneficially interested in possession in the rents and profits of the land until sale, or, in case of dispute, of the majority (according to the value of their combined interests)

of such persons, but a purchaser shall not be concerned to see that such wishes are complied with.

(4) Where there is a power to postpone the sale, then (subject to any express direction to the contrary in the instrument, if any, creating the trust for sale) the trustees for sale (including personal representatives) shall not be liable in any way for postponing the sale, in the exercise of their discretion, for any indefinite period; nor shall a purchaser of a legal estate be concerned in any case with any directions respecting the postponement of the sale. A power to postpone sale shall be implied unless a contrary intention appears.

(5) This section applies whether the trust for sale is created before or after the commencement or by virtue of this Act.

Purchaser not to be concerned with the trusts of the proceeds of sale if paid to two or more trustees or to a trust corporation.

3.—(1) A purchaser of a legal estate from trustees for sale shall not be concerned with the trusts affecting the proceeds of sale of land subject to a trust for sale (whether made to attach to such proceeds by virtue of this Act or otherwise), or affecting the rents and profits of the land until sale, whether or not those trusts are declared by the same instrument by which the trust for sale is created.

(2) The proceeds of sale or other capital money arising under a disposition on trust for sale of land (and notwithstanding anything to the contrary in such disposition or in the settlement of the net proceeds) shall not, except where the trustee is a trust corporation, be paid to or applied by the direction of fewer than two persons as trustees of the disposition, but this subsection does not affect the right of a sole personal representative as such to give valid receipts for or direct the application of the proceeds of sale or other capital money aforesaid; nor, except where capital money arises on a transaction, render it necessary to have more than one trustee.

Powers of management given to trustees for sale, trust of rents and profits till sale, and provisions as to partition among persons interested in the proceeds of sale.

44 & 45 Vict. c. 41.

4.—(1) Trustees for sale (with or without a power to postpone the sale) shall, in relation to the land or to manorial incidents and to the proceeds of sale, have all the powers of a tenant for life, and of the trustees of a settlement, under the Settled Land Acts, and also in relation to the land the powers of management conferred by subsections (2) and (3) of section forty-two of the Conveyancing Act, 1881: and (subject to any express trust to the contrary) all capital money arising under the said powers shall (without prejudice to the rights and powers of a personal representative for purposes of administration) unless paid or applied for any purpose authorised by the Settled Land Acts, be applicable in the same manner as if the money represented proceeds of sale arising under the trust for sale.

(2) Subject to any direction to the contrary in the disposition on trust for sale or in the settlement of the proceeds of sale, the net rents and profits of the land until sale, after keeping down costs of repairs and insurance and other outgoings, shall (without prejudice to the rights and powers of a personal representative as aforesaid) be paid or applied except so far as any part thereof may be liable to be set aside as capital money under the Settled Land Acts, in like manner as the income of investments representing the purchase money would be payable or applicable if a sale had been made and the proceeds had been duly invested.

(3) Where the net proceeds of sale have under the trusts affecting the same become absolutely vested in persons of full age in undivided shares (whether or not such shares may be subject to a derivative trust) the trustees for sale may (with the consent of the persons, if any, of full age, not being annuitants, interested in possession in the net rents and profits of the land until sale) partition the land remaining unsold or any part thereof, and provide (by way of mortgage or otherwise) for the payment of any equality money, and, upon such partition being arranged, the trustees for sale shall give effect thereto by conveying the land so partitioned in severalty (subject or not to any mortgage term or charge by way of legal mortgage, created for raising equality money) to persons of full age and either absolutely or on trust for sale or, where any part of the land becomes settled land by a vesting deed, or partly in one way and partly in another in accordance with the rights of the persons interested under the partition, but a purchaser shall not be concerned to see or inquire whether any such consent as aforesaid has been given:

Provided that—

(*a*) If a share in the net proceeds is absolutely vested in an infant, the trustees for sale may act on his behalf and retain land (to be held on trust for sale) or other property to represent his share, and in other respects the foregoing power shall apply as if the infant had been of full age:

(*b*) If a share in the net proceeds belongs to a lunatic or defective, the consent of his committee or receiver shall be sufficient to protect the trustees for sale:

(*c*) If a share in the net proceeds is affected by an incumbrance the trustees for sale may either give effect thereto or provide for the discharge thereof by means of the property allotted in respect of such share, as may be considered expedient.

(4) The powers conferred by subsection (1) of this section shall be exercised with such consents (if any) as would have been required on a sale under the trust for sale, and when exercised shall operate to overreach any equitable interests or powers which are by virtue of this Act made to attach to the net proceeds of sale as if created by a trust affecting those proceeds.

(5) If the trustees for sale refuse to sell or to exercise any of the powers conferred by this section, or the powers to delegate hereinafter conferred, any person interested may apply to the court for a vesting or other order for giving effect to the proposed transaction or for an order directing the trustees for sale to give effect thereto and the court may make such order as it thinks fit.

(6) Where, at the commencement of this Act, an order made under section seven of the Settled Land Act, 1884, is in force then the person on whom any power is thereby conferred shall, while the order remains in force, exercise such power in the names and on the behalf of the trustees for sale in like manner as if the power had been delegated to him under this Act.

(7) This section applies to dispositions on trust for sale coming into operation either before or after the commencement of this Act, or by virtue of this Act.

(8) This section does not apply where there is a person having the powers of a tenant for life under paragraph (ix) of subsection (1) of section fifty-eight of the Settled Land Act, 1882.

Delegation of powers of management by trustees for sale.

5.—(1) The powers of and incidental to leasing, accepting surrenders of leases and management, conferred on trustees for sale whether by this Act or otherwise, may, until sale of the land, be revocably delegated from time to time, by writing, signed by them, to any person of full age (not being merely an annuitant) for the time being beneficially interested (in possession) in the net rents and profits of the land during his life or for any less period : and in favour of a lessee such writing shall, unless the contrary appears, be sufficient evidence that the person named therein is a person to whom the powers may be delegated, and the production of such writing shall, unless the contrary appears, be sufficient evidence that the delegation has not been revoked.

(2) Any power so delegated shall be exercised only in the names and on behalf of the trustees delegating the same.

(3) The persons delegating any power under this section shall not, in relation to the exercise or purported exercise of

the power, be liable for the acts or defaults of the person to whom the power is delegated, but he shall, in relation to the exercise of the power by him, be deemed to be in the position and to have the duties and liabilities of a trustee.

Section 12.

FIFTH SCHEDULE.

PROVISIONS RELATING TO SETTLEMENTS.

Authorised method of settling land inter vivos by "vesting" and "trust" deeds.

1.—(1) After the commencement of this Act every settlement of land inter vivos shall be effected as follows, and in no other way, namely:—

There shall (save as hereinafter mentioned) be two deeds, one of which (in this Act referred to as "the vesting deed") shall be a conveyance of the land, for the estate or interest the subject of the settlement, and shall appoint trustees for the purposes of the Settled Land Acts, and the other of which (in this Act referred to as "the trust deed") shall declare the trusts affecting the settled land, appoint trustees for the purposes of the Settled Land Acts, and shall bear any ad valorem stamp duty which may be payable (whether by virtue of the conveyance or otherwise) in respect of the settlement.

(2) An agreement for the settlement of land by an estate owner, shall, and an agreement for the settlement of land by a person entitled to an equitable interest which is capable, when in possession, of subsisting at law, or to an entailed interest, shall, if and when the interest of the settlor is or becomes vested in possession, be deemed a contract to convey or create a legal estate, and effect shall be given thereto by a vesting deed and a trust deed in accordance with this section.

(3) No undivided share in land can be made the subject of a settlement, but the entirety of the land shall be vested in trustees for sale, as provided by this Act, and any disposition purporting make to such a settlement shall only operate as a settlement of a corresponding share of the net proceeds of sale and of the rents and profits until sale of the entirety of the land.

(4) By the vesting deed the settled land shall be conveyed to the tenant for life of full age, or statutory owner (and if more

than one as joint tenants) to be held upon the trusts declared concerning the same by the trust deed, and for giving effect to any equitable interests and powers; and the persons who are appointed as the trustees of the vesting deed shall be the same persons as are the trustees of the trust deed, and such persons are in this Act referred to as the trustees of the settlement.

Provided that, where the land is already vested in the tenant for life of full age or statutory owner, it shall be sufficient, without any other conveyance, if the vesting deed declares that the land is vested in him on the requisite trusts.

The contents of "vesting instruments," and as to land acquired with capital money.

2.—(1) Every vesting instrument for giving effect to a settlement or made on a change of ownership of settled land (in this Act referred to as a principal vesting instrument) shall contain the following statements or particulars, namely:—

(*a*) That the land is vested in the tenant for life of full age or statutory owner upon the trusts from time to time affecting the settled land:

(*b*) The names of the persons who are the trustees of the settlement:

(*c*) The powers (if any) relating to the land expressly conferred by the settlement in extension of those conferred by the Settled Land Acts:

(*d*) The name of any person who has power to appoint new trustees of the settlement.

(2) Where after the commencement of this Act land is acquired with capital money arising under a settlement, or in exchange for settled land, or a rentcharge is reserved on a grant of settled land, the land shall be conveyed to, and the rentcharge by virtue of this Act shall become vested in the tenant for life of full age or statutory owner, and the conveyance or grant shall be a supplemental vesting deed.

(3) A supplemental vesting deed executed on the acquisition of land to be made subject to a settlement shall contain the following statements or particulars, namely:—

(*a*) That it is supplemental to a vesting instrument therein referred to being the last vesting instrument (other than a supplemental vesting deed) affecting land subject to the settlement:

(*b*) That the land conveyed is to be held upon and subject to the same trusts and powers as the land comprised in the principal vesting instrument:

(*c*) The names of the persons who are the trustees of the settlement:

(*d*) The name of any person who has power to appoint new trustees of the settlement.

(4) A supplemental vesting deed reserving a rentcharge on a grant of settled land shall contain the following statements or particulars:—

(*a*) That the rentcharge is vested in the grantor and is subject to the settlement which, immediately before the grant, was subsisting with respect to the land out of which it was reserved:

(*b*) Particulars of the last principal vesting instrument affecting such land.

(5) The statements or particulars required by this section may be incorporated by reference to an existing vesting instrument.

(6) A vesting instrument shall not be invalidated by reason only of any error in any of the statements or particulars by this Act required to be contained therein.

(7) The acquisition of the land shall not operate to increase or multiply charges or powers of charging.

Vesting deeds, assents, or discharges, on change of ownership of the settled land or on the termination of the settlement.

3.—(1) If by reason of an infant attaining full age he becomes entitled to the settled land either as a tenant for life of full age or absolutely, he shall (notwithstanding any stipulation to the contrary) be entitled to require the trustees of the settlement, personal representatives, or other persons in whom the settled land is vested, to convey the same to him (but in the case of personal representatives subject to their right to require any death duties and costs to be provided for) by a vesting deed, assent or conveyance (as the case may require) at the cost of the trust estate.

(2) If by reason of the forfeiture, surrender, or determination of his beneficial interest under a settlement the person in whom the settled land is vested ceases to have the statutory powers of a tenant for life of full age, and any limitations of the settlement are still subsisting, he shall be bound forthwith to convey the settled land to the tenant for life of full age or statutory owner, by a vesting deed, at the cost of the trust estate.

(3) If by reason of the satisfaction or determination of all interests, powers, and charges, other than the estate and powers of a person of full age who has become absolutely entitled, the settlement is determined, either as to the whole or any part of the settled land, then the trustees of the settlement shall, at the cost of the trust estate, by deed declare that they are discharged from the trust, either as to the whole or any part of the land as the case may require, and thenceforth a purchaser of a legal estate shall be entitled to assume that such land has ceased to be settled land.

(4) If the trustees of the settlement, on being requested so to do by the person of full age who has become absolutely entitled, refuse to execute a deed of discharge, or if for any reason the discharge cannot be effected without undue delay or expense, such person may apply to the court for an order discharging the trustees, as respects the whole or any part of the settled land, and the court may make such order as it may think fit.

(5) This section applies whether the settlement comes into operation before or after the commencement or by virtue of this Act.

As to settlements created by will after this Act and as to settled land vested in a personal representative at the commencement of this Act.

4.—(1) Where a settlement is created by the will of a person who dies after the commencement of this Act, the will shall, for the purposes of this Act, be deemed "the trust deed" and where settled land remains at the commencement of this Act vested in the personal representatives of a person who dies before such commencement, the settlement (including a will and a settlement deemed to be subsisting or to have been made by any person) shall, for the purposes of this Act, be deemed "the trust deed."

(2) Subject to the rights and powers of the personal representatives for purposes of administration, and to their being satisfied that all death duties and costs will be provided for, they shall be bound (except during a minority) by a vesting assent in writing signed by them (which shall operate as a conveyance) to convey the settled land (and so as to bind any equitable interest or power which by virtue of this Act or otherwise is protected by the settlement) to the tenant for life of full age or statutory owner named therein, and, if more than one, as joint tenants at the cost of the trust estate.

Forfeiture and stamps.

5.—(1) Any vesting effected under the powers conferred by this Act in relation to settled land shall not operate as a breach of covenant or condition against alienation or give rise to a forfeiture.

(2) Nothing in this Act shall operate to impose any stamp duty on a vesting assent, nor shall any ad valorem stamp duty be payable in respect of a vesting deed or order made for giving effect to an existing settlement.

Devolution of settled land on a death.

6.—(1) On the death, after the commencement of this Act, of a tenant for life of full age or statutory owner, or of the survivor of two or more of them, in whom the settled land was vested, the same shall devolve upon his personal representatives upon trust (subject to the personal representatives being satisfied that any death duties and costs will be provided for)

to convey the settled land by a vesting assent to the tenant for life of full age or statutory owner or the person (if any) of full age who has become absolutely entitled thereto at the cost of the trust estate.

(2) This section does not affect the right of the personal representatives to transfer or create such legal estates to take effect in priority to the settlement as may be required for giving effect to the obligations imposed on them by this Act.

(3) This section applies to settlements coming into operation either before or after the commencement or by virtue of this Act.

Disputes as to vesting deeds and assents, and power to make vesting orders of settled land.

7.—(1) If any question arises as to the person in whose favour a vesting deed or assent ought to be executed, or as to the contents thereof, the trustees of the settlement, personal representatives, or any person interested under the settlement may apply to the court for directions under section forty-four of the Settled Land Act, 1882.

(2) If any person who is bound to execute a vesting instrument or in whom settled land is wrongly vested refuses or neglects to execute the requisite vesting deed or assent within one month after demand in writing, or if such person is outside the United Kingdom, or cannot be found, or it is not known whether he is alive or dead, or if for any reason the court is satisfied that the vesting deed or assent cannot be executed, or cannot be executed without undue delay or expense, the court may, on the application of any person interested, make an order vesting the settled land in the tenant for life of full age or statutory owner or person (if any) of full age absolutely entitled, and the provisions of this Act relating to vesting instruments shall apply to any order so made which shall (if the land remains settled land) contain the like statements and particulars.

(3) No stamp duty shall be payable in respect of a vesting order made in place of a vesting assent.

Existing settlements and instruments not complying with this Act to operate as "trust deeds."

8.—(1) Every settlement of land subsisting at the commencement or created by virtue of this Act, and every settlement of land which after the commencement of this Act is deemed to have been made by any person, and every instrument which under the Settled Land Acts is deemed to be a settlement, and every instrument inter vivos intended to create a settlement which is executed after the commencement of this Act and does not comply with the requirements of this Act, shall, for the purposes of this Act, be deemed a "trust deed," and if a legal estate is conveyed by any such instrument as last aforesaid the estate owner shall hold the legal estate on trust to execute a vesting deed in the manner required by this Act.

(2) Until a vesting instrument is executed or made pursuant to this Act in respect of the settled land, any purported

disposition thereof inter vivos shall not take effect at law, except in favour of a purchaser of a legal estate without notice of any trust, but, save as aforesaid shall operate only as a contract for valuable consideration to carry out the transaction after the requisite vesting instrument has been obtained, and a purchaser of a legal estate shall not be concerned therewith unless the contract is registered as a land charge.

(3) This section does not apply to land subject to an immediate trust for sale, with or without a power to postpone the sale, nor to settled land vested in personal representatives, but save as aforesaid applies to a will (creating a settlement) of a person who dies before the commencement of this Act.

Vesting deeds and orders for giving effect to existing settlements and trust deeds inter vivos.

9.—(1) In the case of every settlement of land subsisting at the commencement or created by virtue of this Act (whether or not the settled land is already vested in the trustees of the settlement), as soon as practicable after such commencement, and, in the case of every settlement deemed to have been made by any person after the commencement of this Act, and of every instrument which after such commencement is deemed to be a settlement, and of every instrument inter vivos intended to create a settlement which is executed after the commencement of this Act, and does not comply with the requirements of this Act, as soon as practicable after such settlement or instrument takes effect, the trustees (if any) of the settlement for the purposes of the Settled Land Acts shall, on the request of a tenant for life of full age or statutory owner, and at the cost of the trust estate, execute a vesting deed (containing the proper particulars) declaring that the settled land shall vest or is vested in the tenant for life of full age or statutory owner named therein (including themselves if they are the statutory owners), and such deed shall operate to convey or vest the settled land (so as to bind any equitable interest or power which by virtue of this Act or otherwise is protected by the settlement) to or in the tenant for life of full age or statutory owner named therein, and, if more than one, as joint tenants.

(2) In the case of a base fee whether or not the reversion is in the Crown, or of a fee determinable whether by limitation or condition, or of an estate tail which by Act of Parliament is incapable of being barred or defeated (whether the reversion is in the Crown or not), the entire fee simple is settled land, and the instrument creating the estate tail, or determinable fee is the settlement, and the reversion or right of reverter upon the cesser of such base fee, determinable fee, or estate tail shall be deemed to be an estate limited by the settlement, and this subsection shall bind the Crown.

(3) If there are no trustees of the settlement, then (in default of a person able and willing to appoint such trustees)

an application shall be made to the court under section thirty-eight of the Settled Land Act, 1882, by the tenant for life of full age or statutory owner, or any other person interested, for the appointment of such trustees.

(4) If default is made in the execution of any such vesting deed, the provisions of this Act relating to vesting orders of settled land shall apply in like manner as if the trustees of the settlement were persons in whom the settled land is wrongly vested.

(5) In the case of settlements subsisting at the commencement of this Act, all the estates, interests, and powers thereby limited, which are not by this Act otherwise converted into equitable interests or powers, shall, as from the date of the vesting deed or order, take effect only in equity.

(6) The settlement subsisting at the commencement of this Act and any instrument whereby land has been conveyed to the uses or upon the trusts of the settlement shall form part of the title of the estate owner of the settled land so far only as the statements and particulars in any vesting instrument may be made by reference thereto and for no other purpose.

(7) This section does not affect the powers and duties of personal representatives in regard to settled land vested in them at the commencement of this Act.

Restrictions on dispositions where Settled Land Act trustees are appointed.

10.—(1) Where the last or only principal vesting instrument appoints trustees for the purposes of the Settled Land Acts, and such trustees have not been discharged, then—

(*a*) Any disposition by the tenant for life of full age or statutory owner of the settled land, other than a disposition authorised by the Settled Land Acts (including any extended powers mentioned in the vesting instrument) or by any other statute, shall be void, except for the purpose of conveying or creating such equitable interests as he has (in right of his equitable interests and powers under the settlement) power to convey or create; and

(*b*) If any capital money is payable in respect of a transaction, a conveyance to a purchaser of the settled land shall only take effect under the Settled Land Acts if the capital money is paid to or by the direction of the trustees of the settlement or into court; and

(*c*) Notwithstanding anything to the contrary in the vesting instrument, or settlement, capital money shall not, except where the trustee is a trust corporation, be paid to or applied by the direction of fewer than two persons as trustees thereof.

(2) The restrictions imposed by this section do not affect—

(*a*) The right of a personal representative in whom the settled land may be vested to convey or deal with the same;

(*b*) The right of a person of full age who has become absolutely entitled to the settled land, free from any limitations, powers, and charges taking effect under the settlement, to require the land to be conveyed to him;

(*c*) The power of the tenant for life of full age, statutory owner, or personal representative in whom the settled land is vested to transfer or create such legal estates, to take effect in priority to the settlement, as may be required for giving effect to the obligations imposed on him by this Act, but where any capital money is raised or received in respect of the transaction the same shall be paid to or by the direction of the trustees of the settlement, or in accordance with an order of the court.

(3) Where, after the commencement of this Act, the tenant for life of full age conveys or deals with his beneficial interest in possession in favour of a purchaser, and the interest so conveyed or created would, but for the restrictions imposed by Part I. of this Act on the creation of legal estates, have been a legal interest, then the purchaser shall (without prejudice to any protection conferred by this Act on a purchaser of a legal estate) have and may exercise all the same rights and remedies as he would have had or have been entitled to exercise if the interest so conveyed or created had been a legal estate and the reversion (if any) on any leases or tenancies derived out of the settled land had been vested in him.

Consents by assignees of life interests.

11. Nothing in Part I. of this Act shall discharge a tenant for life of full age from his obligation to obtain any consent required to be given under section fifty of the Settled Land Act, 1882 (as amended by any subsequent enactment), but a purchaser of a legal estate shall not be concerned to see or inquire whether any such consent has been given.

Indemnities to personal representatives and others.

12. A personal representative, trustee, or other person who has in good faith pursuant to this Act, executed a vesting deed, assent, or other conveyance of the settled land, or a deed of discharge of trustees, shall be absolutely discharged from all liability in respect of the equitable interests and powers taking effect under or protected by the settlement, and shall be entitled to be kept indemnified at the cost of the trust estate from all liabilities affecting the settled land, but the person to whom the settled land is conveyed (not being a

purchaser taking free therefrom) shall hold the settled land upon the trusts (if any) affecting the same.

Provisions for the protection of a purchaser in good faith of settled land.

13.—(1) A purchaser of a legal estate in settled land from a tenant for life of full age or statutory owner shall not (except as hereby expressly provided) be bound or entitled to call for any information concerning the trust deed or any ad valorem stamp duty thereon, and whether or not he has notice of its contents he shall, save as hereinafter provided, be bound and entitled if the last principal vesting instrument states that the land is held on trust, or appoints trustees thereof for the purposes of the Settled Land Acts, to assume that—

(*a*) The person in whom the land is thereby vested is the tenant for life of full age or statutory owner and has all the powers of a tenant for life under the Settled Land Acts as (if at all) thereby extended;

(*b*) The trustees thereby appointed, or their successors appearing to be duly appointed, are the properly constituted trustees of the settlement;

(*c*) The statements and particulars required by this Act and contained (expressly or by reference) in the last principal vesting instrument were correct at the date thereof;

(*d*) The statutory power to appoint new trustees applies thereto, if no person is nominated to appoint new trustees thereof:

Provided nevertheless that, as regards the first vesting deed executed for the purpose of giving effect to a settlement subsisting at the commencement of this Act, a purchaser shall be concerned to see that the person in whom the land is thereby vested is the tenant for life of full age or statutory owner to whom it ought to be conveyed.

(2) A purchaser of a legal estate in settled land from a personal representative shall be entitled to act on the following assumptions:—

(i) If the capital money (if any) payable in respect of the transaction is paid to the personal representative, that such representative is acting under his statutory or other powers and requires the money for purposes of administration:

(ii) If such capital money is, by the direction of the personal representative, paid to persons who are stated to be the trustees of a settlement, that such trustees are the duly constituted trustees of the settlement for the purposes of the Settled Land Acts, and that the personal representative is acting under his statutory powers during a minority:

(iii) In any other case that the personal representative is acting under his statutory or other powers.

(3) Where no capital money arises under a transaction, nothing in Part I. of this Act shall (except for the purpose of giving effect to a settlement subsisting at the commencement or created by virtue of this Act) render it necessary to appoint trustees of the settlement, but the tenant for life of full age or statutory owner shall, in favour of a purchaser of a legal estate, have power to give effect to the transaction in like manner as if such trustees had been appointed, and to bind the equitable interests and powers which are by this Act protected by the settlement.

(4) If a conveyance of or an assent relating to land formerly subject to a vesting instrument does not state that the land is held on trust, and does not appoint trustees for the purposes of the Settled Land Acts, a purchaser of a legal estate shall be bound and entitled to act on the assumption that the person in whom the land was thereby vested took the same as an absolute owner free from any equitable interest or power affecting his estate.

SIXTH SCHEDULE.

Section 13.

PROVISIONS RELATING TO INFANTS AND LUNATICS.

Infant's beneficial legal estate made to vest in the trustees of the settlement.

1.—(1) Where, at the commencement of this Act, a legal estate in land is vested in an infant beneficially, or would by virtue of any provision of this Act have been liable to be so vested if the infant were of full age, it shall, by virtue of this Act, vest in the trustees (if any) of the settlement upon such trusts as may be requisite for giving effect to the rights of the infant and other persons (if any) interested:

Provided that—

(i) If there are no such trustees, then, pending their appointment, the legal estate shall, by virtue of this Act, vest in the Public Trustee upon the trusts aforesaid:

(ii) The Public Trustee shall not be entitled to act in the trust, or charge any fee, or be liable in any manner unless and until requested in writing to act on behalf of the infant by his father, mother, or testamentary or other guardian in the order named:

(iii) After the Public Trustee has been so requested to act, and has accepted the trust, no trustee shall (except by an order of the court) be appointed in his place without his consent:

(iv) The father, mother, testamentary or other guardian of the infant (in the order named) may under the

powers conferred by this Act appoint new trustees in place of the Public Trustee, and vest the legal estate in them on the trusts aforesaid, and in default of any such appointment the infant by his next friend, may, at any time during the minority, apply to the court for the appointment of trustees of the settlement, and the court may make such order as it thinks fit, and if thereby trustees of such settlement are appointed, the legal estate shall, by virtue of this Act, vest in the trustees as joint tenants upon the trusts aforesaid.

(2) This section applies to settled land, whether the infant was entitled to the settled land or was tenant for life or a person having the powers of a tenant for life thereof (or would have had such powers if of full age) but does not apply to a legal estate in land vested in personal representatives, or in trustees for sale, and shall have effect subject to any mortgage term created by this Act.

As to infant trustees and mortgagees of land.

2.—(1) Where, at the commencement of this Act, a legal estate in land is vested solely in an infant as a personal representative, or a trustee of a settlement, or on trust for sale, or on any other trust, or by way of mortgage, or would by virtue of any provision of this Act have been so vested if the infant were of full age, the legal estate and the mortgage debt (if any) and interest thereon shall, by virtue of this Act, vest in the Public Trustee, pending the appointment of trustees as hereinafter provided, as to the land upon the trusts, and subject to the equities affecting the same (but in the case of a mortgage estate for a term of years absolute in accordance with this Act), and as to the mortgage debt and interest upon such trusts as may be requisite for giving effect to the rights (if any) of the infant or other persons beneficially interested therein :

Provided that—

(*a*) The Public Trustee shall not be entitled to act in the trust, or charge any fee, or be liable in any manner unless and until requested in writing to act by or on behalf of the persons interested in the land or the income thereof, or of the mortgage debt or interest thereon (as the case may be), and so that the father, mother, or testamentary or other guardian (in the order named) may make such request on behalf of the infant :

(*b*) After the Public Trustee has been so requested to act, and has accepted the trust, no trustee shall (except by an order of the court) be appointed in his place without his consent :

(*c*) Any person interested in the land or the income thereof, or in the mortgage debt or in the interest

thereon (as the case may be), may, at any time during the minority, apply to the court for the appointment of trustees of the trust, and the court may make such order as it thinks fit, and if thereby new trustees are appointed the legal estate (but in the case of a mortgage estate only for a term of years absolute as aforesaid) and the mortgage debt (if any) and interest shall, by virtue of this Act, vest in the trustees as joint tenants upon the trusts and subject to the equities aforesaid:

(*d*) Neither a purchaser of the land nor a transferee for money or money's worth of the mortgage shall be concerned in any way with the trusts affecting the legal estate or the mortgage debt and interest thereon.

(2) Where, at the commencement of this Act, a legal estate in land is vested in an infant with another person or other persons as personal representatives, trustees, or mortgagees, or would, by virtue of this Act, have been so vested if the infant were of full age, the legal estate in the land with the mortgage debt (if any) and the interest thereon shall, by virtue of this Act, vest in such other person or persons of full age, as to the legal estate upon the trusts and subject to the equities affecting the same (but in the case of a mortgage estate only for a term of years absolute as aforesaid), and as to the mortgage debt and interest upon such trusts as may be requisite for giving effect to the rights (if any) of the infant or other persons beneficially interested therein, but neither a purchaser of the land nor a transferee for money or money's worth of the mortgage shall be concerned in any way with the trusts affecting the legal estate or the mortgage debt and interest thereon:

Provided that if, by virtue of this subsection, the legal estate and mortgage debt (if any) become vested in a sole trustee, then the father, mother, testamentary or other guardian of the infant (in the order named) may by writing appoint a new trustee in place of the infant, and section ten of the Trustee Act, 1893, shall apply as if they had been nominated in that order for the purpose of appointing new trustees.

Provisions where an infant becomes entitled on a death.

3.—(1) The provisions of this section shall have effect where an infant becomes entitled on a death to any interest in land not being an interest in the proceeds of sale of land subject to a trust for sale, and not being an interest in an undivided share in land.

(2) Where a tenant for life, or person deemed to be a tenant for life, or who, if of full age, would have the powers of a tenant for life of or over the settled land, is an infant,

and the settled land is vested in a personal representative, then the personal representative shall, during the minority of any such infant, have, in reference to the settled land, all the powers conferred by the Settled Land Acts on a tenant for life and on the trustees of the settlement.

(3) If and when the personal representative would, if the infant had been of full age, have been bound to convey the settled land to him, then the personal representative may, if he thinks fit, convey the same by a vesting instrument to the trustees of the settlement, and in the meantime shall, during the minority, give effect to the directions of the trustees of the settlement, and shall not be concerned with the propriety of any conveyance directed to be made by such trustees if the same appears to be a proper conveyance under the powers conferred by the Settled Land Acts, and the capital money (if any) arising under the conveyance is paid to or by the direction of the trustees of the settlement or into court; but a purchaser dealing with the personal representative and paying the capital money (if any) to him shall not be concerned to see that the money is paid to trustees of the settlement or into court, or inquire whether the personal representative is liable to give effect to any such directions, or whether any such directions have been given.

(4) This section does not apply if the personal representative has disposed of the settled land before the commencement of this Act, but, save as aforesaid, applies whether the infant becomes entitled before or after such commencement, and shall have effect during successive minorities until a person of full age becomes entitled to require the settled land to be vested in him.

Abolition of conveyances of legal estates to infants.

4.—(1) After the commencement of this Act, a conveyance of a legal estate in land to an infant for his own benefit shall operate only as an agreement for valuable consideration to execute a settlement by means of a vesting deed and trust deed in favour of the infant, to appoint trustees of the settlement, and in the meantime to hold the land in trust for the infant.

(2) After the commencement of this Act, a conveyance of a legal estate in land to an infant by way of mortgage (including a charge by way of legal mortgage) shall operate only as an agreement for valuable consideration to execute a proper conveyance when the infant attains full age, and in the meantime to hold any beneficial interest in the mortgage debt in trust for the persons for whose benefit the conveyance was intended to be made:

Provided that, if the conveyance is made to the infant and another person or other persons, it shall operate as if the infant had not been named therein, but without prejudice to

any beneficial interest in the mortgage debt intended to be thereby provided for the infant.

(3) This section does not apply to the transfer to an infant of any interest in the proceeds of sale of land which is subject to a trust for sale (with or without a power to postpone the sale), nor to the transfer to an infant of an equitable interest, taking effect under a settlement, in settled land.

(4) This section does not affect the powers conferred by the Infant Settlements Act, 1855, provided that a legal estate in land is not vested in an infant; nor does anything in Part I. of this Act affect the presumption that, unless the contrary thereby appears, the persons expressed to be parties to any conveyance were of full age at the date thereof. 18 & 19 Vict. c. 43.

Infants not to be appointed trustees or personal representatives.

5.—(1) After the commencement of this Act, the appointment of an infant to be a trustee in relation to any settlement or trust shall be void, but without prejudice to the power to appoint a new trustee to fill the vacancy.

(2) The appointment in a will by a testator who dies after the commencement of this Act of an infant to be an executor shall not operate to transfer any interest in the property of the deceased to the infant or to constitute him a personal representative for any purpose unless and until probate is granted to him after he has attained full age.

(3) Nothing in this section shall affect the right of the Probate Division of the High Court of Justice to grant probate or letters of administration to any person after he has attained full age.

Receipts by married infants.

6. A married infant shall have power to give valid receipts for all income (including statutory accumulations of income made during the minority) to which the infant may be entitled in like manner as if the infant were of full age.

Conveyances on behalf of lunatics and defectives.

7.—(1) Where a legal estate in land (whether settled or not) is vested in a lunatic, whether so found or not, or a defective, either solely or jointly with another person or other persons, his committee or receiver shall, under an order in lunacy, or otherwise, or under any statutory power, make or concur in making all requisite dispositions for conveying or creating a legal estate in the name and on behalf of the lunatic or defective.

(2) If land held on trust for sale is vested in a lunatic, whether so found or not, or a defective, either solely or jointly with another person or other persons, a new trustee shall be appointed in his place, or he shall be otherwise discharged from the trust, before the legal estate is dealt with under the trust for sale or under the powers vested in the trustees for sale.

Power for the court to settle the beneficial interests of a lunatic or defective.

8.—(1) From and after the commencement of this Act, the court may direct a settlement to be made of the property of a lunatic (whether so found or not) or defective or any part thereof or any interest therein, on such trusts and subject to such powers and provisions as the court may deem expedient, and in particular may give such directions—

(*a*) where the lunatic or defective is the holder of a title of honour, and the property would not devolve with such title either under a testamentary disposition executed by him, or on his intestacy if he died intestate; or

(*b*) where the property has been acquired under a settlement, a will or an intestacy, or represents property so acquired; or

(*c*) where by reason of any change in the law of intestacy (whether by virtue of this Act or otherwise) or of any change in circumstances since the execution by the lunatic or defective of a testamentary disposition, or of any absence of information at the time of such execution, or on account of the former management of the property or the expenditure of money in improving or maintaining the same or for any other special reason the court is satisfied that any person might suffer an injustice if the property were allowed to devolve as undisposed of on the death intestate of the lunatic or defective or under any testamentary disposition executed by him.

(2) The court may direct the committee or receiver of the lunatic or defective, or any trustee for him, to execute any vesting instrument, trust deed, conveyance (including a disentailing assurance) or other instrument and to do any other act or thing which may be required for effectuating the settlement in the name and on behalf of the lunatic or defective, and, for that purpose, may make a vesting order or appoint a person to convey; and any settlement approved by the court shall be as effectual and binding on all persons interested as if the same had been made by the lunatic or defective while of full capacity.

(3) This section applies whether or not the lunatic or defective has executed a testamentary disposition and notwithstanding that it is not known whether he has executed such a disposition or not, but does not apply when he is an infant.

(4) Subject to any rules of court to the contrary, all applications under this section shall be made to the Chancery Division of the High Court, notwithstanding that the property is being administered in lunacy.

(5) Any person who under this Act has, or if this Act had not been passed would have had, a *spes successionis* (whether under the testamentary disposition if any is known to exist or in the event of the intestacy of the lunatic or defective) or interest in the property of the lunatic or defective or in any part thereof, as well as the committee or receiver and any other person who may be authorised by rules of court, shall have power to apply to the court for an order under this section.

(6) Subject to making due provision for the maintenance of the lunatic or defective in accordance with his station in life, whether out of the capital or income of the property settled or other property or partly in one way and partly in another, and to providing, by means of a power of appointment or revocation, or otherwise, for the possibility of the lunatic or defective recovering full capacity, the court may, in making any order under this section, have regard to—

(i) the manner in which the property has been settled or dealt with on former occasions;

(ii) in the case of land, the welfare of the labourers and other persons employed thereon, and the expediency of settling personal estate to devolve therewith;

(iii) the continuation or provision of any pensions, and the application of any part of the income for charitable purposes;

(iv) the provisions of any testamentary disposition of the lunatic or defective;

(v) the expediency of providing for—

(*a*) jointures, portions, and other annual or capital charges and powers to create the same;

(*b*) discretionary trusts, trusts for effecting or maintaining policies of assurance, powers of appointment, sinking funds for making good loss by fire (in lieu of, or in addition to, insurance) or for any other purpose;

(*c*) the extension of any statutory powers of investment management or otherwise;

(*d*) the manner in which any costs are to be raised and paid, whether out of the settled property or otherwise;

(*e*) any other matter or thing which, having regard to the nature of the settlement, of the property to be settled, and the management, development, and enjoyment thereof, and to the persons who are to take, either successively or otherwise, the court may consider material.

(7) Rules of court may be made for giving effect to the provisions of this section, and in particular for compelling information to be furnished respecting, and production of, testamentary dispositions, and the lodgment of the same in court; for prescribing what notices (if any) of the proceedings are to be served, for dispensing with such notices and, when necessary, for the making of representation orders.

(8) In this section, "testamentary disposition" means an instrument executed by the lunatic or defective while of full testamentary capacity, which, if unrevoked, might, on his death, be proved as a will or codicil; and the court may act on such evidence as to the existence or absence of a testamentary disposition as it thinks fit.

(9) At any time before the death of the lunatic or defective, the court may, as respects any property remaining subject to the trusts of a settlement made under this section, on being satisfied that any material fact was not disclosed to the court when the settlement was made, or on account of any substantial change in circumstances, by order vary the settlement in such manner as it thinks fit, and give any consequential directions.

Section 14.

SEVENTH SCHEDULE.

AS TO LAND CHARGES AND LOCAL LAND CHARGES.

Extension of meaning of "land charge." 51 & 52 Vict. c. 51. 8 Edw. 7. c. 28.

1.—(1) The expression "land charge" in section four of the Land Charges Registration and Searches Act, 1888 (in this schedule called "the Act of 1888"), as amended by section nineteen of the Agricultural Holdings Act, 1908, shall after the commencement of this Act, and notwithstanding that the charge was not created pursuant to an application by any person, include:—

(*a*) Any charge (except in respect of registered land) acquired by the Commissioners of Inland Revenue under any statute passed or hereafter to be passed, for death duties; and

(*b*) Any equitable charge (except in respect of registered land) acquired after the commencement of this Act by a tenant for life of full age or statutory owner under the Finance Act, 1894, or any other statute by reason of the discharge by him of any death duties or other liabilities, and to which special priority is given by the statute; and

(*c*) Any equitable charge not hereinbefore specified (except in respect of registered land) created or arising after the commencement of this Act which is not secured by a deposit of documents relating to the legal estate affected; and

(*d*) A covenant or agreement restrictive of the user of freehold land, entered into after the commencement of this Act, and capable of affecting a purchaser with notice thereof (in this section referred to as a restrictive covenant); and

(*e*) Any easement, right, or privilege over or affecting land created or arising after the commencement of this Act and being merely an equitable interest (in this section referred to as an equitable easement); and

(*f*) Any contract, by an estate owner or by a person entitled to have a legal estate conveyed to him, to convey or create a legal estate (including a contract conferring a valid option of purchase, a right of pre-emption, and any other like right) entered into after the commencement of this Act; and

(*g*) Any other charge included in the definition of "land charge" contained in section four of the Act of 1888 (as amended):

Provided that the registration of any charge in respect of the matters mentioned in paragraphs (*b*) and (*c*) of this subsection shall not operate to prevent such charge from being overreached by a conveyance to a purchaser of a legal estate in or created out of land subject to a trust for sale or a settlement.

(2) In section ten of the Act of 1888, after the word "application" shall be inserted the words "if any."

(3) In regard to charges which are constituted land charges by this section:—

(*a*) The provisions of section eleven of the Act of 1888 shall not apply to a restrictive covenant, or an equitable easement or contract, but in other cases shall apply whether the land charge was created before or after the commencement of this Act:

(*b*) The provisions of section twelve of that Act shall apply where the land charge is created or arises after the commencement of this Act, save that a charge for death duties or an equitable easement or contract not registered as provided by this section shall not be void as against a purchaser for value otherwise than for money or money's worth:

(*c*) The provisions of section thirteen of that Act shall not apply to a restrictive covenant, or an equitable

easement entered into or created before the commencement of this Act, but in other cases shall apply after the expiration of one year from the first assignment inter vivos, occurring after the commencement of this Act of a land charge created before the commencement of this Act:

(*d*) General rules may be made under section eighteen of that Act for carrying into effect the provisions of this section, for providing for the mode of registration of a land charge and any assignment thereof (and in the case of a restrictive covenant, equitable easement, charge, or contract by reference to the instrument imposing or creating the restriction or charge or interest, or an extract therefrom) and for the cancellation of the registration of a land charge without an order of the court, on the cesser thereof, or with the consent of the person entitled thereto, or on sufficient evidence being furnished that the land charge has been or is capable of being overridden under the provisions of this Act or otherwise:

(*e*) Nothing in this section shall be deemed to authorise the Commissioners of Inland Revenue to register a land charge in respect of any claim for death duty, unless the duty has become a charge on the land, and, in registering any such charge, a statement shall be furnished of the duties in respect of which the charge is claimed, and, so far as possible, of the land affected.

(4) Where a land charge is not created by an instrument, then short particulars of the effect of the charge shall be stated in the declaration lodged in support of the application to register the charge.

(5) A land charge within the meaning of section four of the Act of 1888 as amended by the Agricultural Holdings Act, 1908, for securing money created before or after the commencement of this Act shall, when registered, take effect as if the same had been created by a charge by way of legal mortgage made pursuant to this Act, but without prejudice to the priority of the charge.

(6) Registration under section ninety-three of the Companies (Consolidation) Act, 1908, shall in the case of a land charge for securing money, be sufficient in place of registration under the Act of 1888, and shall have effect as if the land charge had been registered under that Act as amended.

(7) In the case of an equitable charge, restrictive covenant, or other matter constituted a land charge by this Act, the registration in the prescribed manner in a local deeds registry

of the document creating it shall be sufficient in place of registration under the Act of 1888, and the registration shall have effect as if the document or matter had been registered under that Act as amended.

As to "local land charges."

2.—(1) Any charge (hereinafter called "a local land charge") acquired either before or after the commencement of this Act by the council of any administrative county, metropolitan borough, or urban or rural district, or by the corporation of any municipal borough or by any other local authority under the Public Health Acts, the Metropolis Management Acts, 1855 to 1893, or the Private Street Works Act, 1892, or under any similar statute (public, general, or local) passed or hereafter to be passed, which takes effect by virtue of the statute, shall be registered in the prescribed manner by the proper officer of the local authority, and unless and until so registered shall (save as hereinafter mentioned in regard to charges created or arising before the commencement of this Act) be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby.

(2) Save as expressly provided by this section, the provisions of the Act of 1888, as amended by this Act, shall apply to a local land charge.

(3) As regards a local land charge, the registration by the proper officer shall (without prejudice to the right of the Land Registrar also to register the charge if and when sufficient information is furnished to him) take the place of registration by the Land Registrar, and, in reference thereto, the proper officer of the local authority shall have all the powers and be subject to the same obligations as the Land Registrar has or is subject to in regard to a land charge.

(4) Where a local authority has expended money for any purpose which, when the work is completed and any requisite resolution is passed or order is made, will confer a charge upon land, the proper officer of the local authority may in the meantime register a local land charge, in his register, against the land generally, without specifying the amount, but the registration of such general charge shall be cancelled within the prescribed time not being less than one year after the charge is ascertained and allotted, and thereupon the specific local land charges shall (unless previously discharged) be registered as of the date on which the general charge was registered.

(5) Nothing in this section shall operate to impose any obligation to register any local land charge created or arising before the commencement of this Act except after the expiration of one year from such commencement or to discharge a purchaser for value from liability in respect of any local land charge which is not for the time being required to be registered.

(6) Separate rules may be made under section eighteen of the Act of 1888 in reference to local land charges for giving effect to the provisions of this section and in particular for prescribing :—

(*a*) The mode of registration of a general or specific charge ;

(*b*) The power for a local authority where it has no means (without incurring unreasonable expense) of ascertaining the person against whom a specific charge should be registered, to register the same only against the land affected ;

(*c*) The proper officer to act as registrar, and as to official certificates of search to be given by him in reference to subsisting entries in his register ;

(*d*) The effect of an official certificate of search in regard to the protection of a purchaser, solicitor, trustee or other person in a fiduciary position, and the fees to be paid for any such certificate or search ;

(*e*) The fees (if any) to be paid for the cancellation of an entry in the register.

(7) For the purposes of this section, any prohibition of or restriction on the user or mode of user of land or buildings enforceable by any local authority by virtue of any such statute as aforesaid shall be deemed to be a restrictive covenant and where arising after the commencement of this Act shall be registered by the proper officer as a local land charge.

Provided that any such prohibition or restriction may be registered generally against the area or district affected by reference to the statute under which it is imposed.

Re-registration of deeds of arrangement.

3. The registration of a deed of arrangement affecting land, pursuant to section seven of the Act of 1888, shall cease to have effect at the expiration of five years from the date of registration, but may be renewed from time to time, and, if renewed, shall have effect for five years from the date of the renewal: Provided that nothing in this section shall affect any registration made before the commencement of this Act, until the expiration of one year from such commencement.

Saving of Crown rights and vacation of writs.

4.—(1) The foregoing provisions in this schedule shall bind the Crown, and accordingly land charges (including local land charges) belonging to or affecting land owned by the Crown shall be subject to the provisions relating to registration, but this section shall not operate to impose on land owned by or occupied for the purposes of the Crown any liability to which the land would not have been subject if this section had not been passed.

(2) The registration of a writ or order affecting land may be vacated pursuant to an order of the High Court or any Judge thereof.

(3) Section nineteen of the Settled Land Act, 1890, is hereby repealed.

EIGHTH SCHEDULE.

EPITOMES OF ABSTRACTS OF TITLE.

Section 27.

SPECIMEN No. 1.

OF THE TITLE OF JOHN WILLIAMS TO BLACKACRE.

WHERE THE TITLE COMMENCES BEFORE THE COMMENCEMENT OF THIS ACT.

The italics show how the abstract is to be framed and what documents are to be abstracted. After the commencement of this Act, the parts not in italics may be ignored.

Will of H. Jones, appointing Maria Jones and W. Jones executors and Settled Land Act trustees. — 10th June 1897.

Devises, Blackacre.

To the use that Maria Jones may receive a yearly rentcharge of five hundred pounds for her life, and, subject thereto,

To the use of W. Jones for life with remainder,

To the use of X. and Y., for a term of one thousand years, and subject thereto,

To the use of the first and other sons of W. Jones in tail with remainders over.

Trusts of term of one thousand years declared for raising ten thousand pounds for portions for younger children of W. Jones, as he shall appoint, and in default equally.

Hotchpot Clause. Power to appoint new trustees.

Death of H. Jones. — 4th June 1898.

Will of H. Jones proved. — 1st August 1898.

[NOTE.—After the execution of the Vesting Deed the will only takes effect in equity and can be withdrawn from the abstract when not required as a root of title.]

20th August 1899. *Conveyance by the executors to the uses of the Will.*

2nd September 1915. Appointment of R. and S. to be Settled Land Act trustees of the will in place of Maria Jones and W. Jones who retire.

1st January 1925. The Law of Property Act, 1922, comes into operation.

[NOTE.—If any bare legal estate is outstanding it will vest in W. Jones in fee simple.]

20th January 1925. *Deed by the Settled Land Act trustees vesting the fee simple in W. Jones on the trusts of the Will and appointing themselves Settled Land Act trustees.*

2nd February 1925. Appointment by W. Jones of five thousand pounds, part of the ten thousand pounds, to his daughter, Ann Jones.

3rd February 1925. Assignment by Ann Jones of her five thousand pounds, part of the ten thousand pounds raisable for portions, to trustees F. and G. on her marriage to J. Robinson.

4th February 1925. Will of W. Jones, appointing T. Brooks his executor.

6th March 1925. Death of W. Jones leaving three children, Frederick Jones, his eldest son, and E. Jones and Ann Robinson.

2nd April 1925. Disentail by Frederick Jones in trust for himself in fee simple.

3rd May 1925. *Will of W. Jones proved by R. and S. in regard to the settled land.*

6th June 1925. Mortgage by E. Jones of his one-half of the ten thousand pounds to K.

1st December 1925. Death of Maria Jones, jointress.

2nd January 1926. Release by F. and G. on payment to them of the five thousand pounds of Ann Robinson.

Same date. Release by E. Jones and K., his mortgagee, of the five thousand pounds raisable for E. Jones.

3rd January 1926. *Assent by R. and S., as personal representatives to Frederick Jones in fee, without appointing Settled Land Act trustees.*

[NOTE.—If the Assent had been made before the family charges had been cleared, the personal representatives would have nominated the trustees of the Will of H. Jones to be Settled Land Act trustees, and a discharge from them would have been required when the charges were cleared.]

Mortgage either by charge by way of legal mortgage or for a term of one thousand years by Frederick Jones to the Estate Trustees of the C. Assurance Society to secure five thousand pounds and interest. — 6th February 1926.

Second mortgage either by charge by way of legal mortgage or for a term of two thousand years by Frederick Jones to D., to secure three thousand pounds and interest. — 20th March 1926.

Third mortgage either by charge by way of legal mortgage or for a term of three thousand years by Frederick Jones to E., to secure two thousand pounds and interest. — 1st June 1926.

Conveyance by Frederick Jones on his marriage (subject to above mortgages) to M. and N. upon trust for sale, the proceeds of sale being settled by a deed of even date. — 8th August 1926.

Death of M. — 12th November 1926.

Appointment of F. as trustee of the conveyance on trust for sale in the place of M., and jointly with N. — 20th December 1926.

Conveyance by the then Estate Trustees of the C. Assurance Society, under their power of sale as first mortgagees, to John Williams in fee. — 10th June 1927.

[NOTE.—The title being made under the power of sale of the Estate Trustees, the fee simple passes and not merely the mortgage term. They can if desired convey the fee in the names of M. and N. It is unnecessary to disclose the second and third mortgages or the conveyance on trust for sale. It would have been necessary to disclose them if title had been made by the trustees for sale, as the mortgages and the conveyance all dealt with legal estates. The right to vest the debt and mortgaged property in Estate Trustees by memorial enrolled under a Private Act is preserved.

No evidence of deaths, births, &c., is required. Probate of the will of H. Jones is conveyancing evidence of his death.]

John Williams leaves the United Kingdom is believed to be alive but cannot be found. — 12th January 1928.

Private Act passed authorising the X. Company to acquire Blackacre under compulsory powers. — 10th August 1928.

15th June 1929. *Statutory declaration as to facts known with reference to John Williams.*

16th June 1929. *Deed Poll by X. Company (who by their agent also execute in the name of John Williams) under section seventy-seven of the Lands Clauses Consolidation Act*, 1845.

[NOTE.—This is an example of an exercise of a power over a legal estate the operation of which is expressly preserved.]

SPECIMEN NO. 2.

OF THE TITLE OF THE TRUSTEES OF FRANK SMITHERS TO GREENACRE.

RELATING TO UNDIVIDED SHARES.

2nd January 1910. *Mortgage by James Smith of Greenacre to M. Coy. Ltd. in fee to secure* 1,000*l. and interest.*

4th February 1910. *Will of James Smith devising Greenacre to his ten children named therein in equal shares and appointing E. to be his executor.*

1st March 1910. *Death of James Smith, leaving the ten children surviving.*

3rd April 1910. *Probate by E.*

4th December 1910. *Assent by E. to the devise to the ten children.*

5th January 1911. Mortgage by one of the sons of his tenth share.

15th April 1911. Conveyance by one of the daughters on her marriage of a tenth share to trustees on trust for sale, the net proceeds to be held on the trusts of her settlement of even date.

20th May 1911. Settlement by another of the sons of his tenth share and appointing Settled Land Act trustees.

8th June 1913. Will of another daughter devising her tenth to her husband and appointing him executor.

20th June 1913. Death of the testatrix.

Probate by her husband.	4th August 1913.
Death of another son intestate.	2nd May 1918.
Letters of administration granted to two of his brothers.	30th July 1918.
The Law of Property Act, 1922, comes into operation and vests Greenacre, subject only to the mortgage of 1910 affecting the entirety (which is converted into a mortgage for a term of three thousand years), in the Public Trustee, pending the appointment of new trustees, on trust for sale.	1st January 1925.
Order of the court (Chancery Division) made on the application of persons entitled to six tenths, appointing M. and N. to be trustees of the trust affecting Greenacre in place of the Public Trustee.	4th June 1925.
Conveyance on sale to Walter Robinson by M. and N., the M. Company, Limited, being paid off out of part of the purchase money, and joining to surrender the three thousand years term.	7th May 1926.
[NOTE.—The balance of the purchase money is available in the hands of the trustees to answer the claims of the mortgagee and other persons interested in undivided shares.]	
Will of Walter Robinson devising and bequeathing Greenacre and his residuary real and personal estate to X. and Y. upon trust for his son John Robinson for life with remainder upon trust for his first and other sons successively according to seniority in tail male with remainder upon trust for the same sons in tail general with remainder upon trust for all the daughters of John Robinson as tenants in common in tail with cross remainders in tail between them in equal shares. Appointment of X. and Y. to be executors and Settled Land Act trustees.	4th June 1926.
Death of testator.	1st December 1926.
Probate by X. and Y.	20th April 1927.
Assent by X. and Y. vesting the settled land in John Robinson upon the trusts of the will of Walter Robinson, and appointing themselves to be Settled Land Act trustees.	3rd May 1927.
Will of John Robinson appointing his daughters Mary Robinson and Jane Robinson his executors.	14th July 1927.
Death of John Robinson without having had a son and leaving five daughters.	16th March 1929.
Probate by X. and Y. in regard to the settled land.	12th June 1929.

25th July 1929. *Assent by X. and Y. to the vesting of the settled land in themselves on trust for sale, the net proceeds to be held on the trusts of the will of Walter Robinson.*

7th January 1930. *Conveyance on sale by X. and Y. of Greenacre to Frank Smithers in fee.*

8th January 1930. Equitable charge by Frank Smithers to James Montagu by way of indemnity and agreement to vest Greenacre in agreed trustees on trust for sale to raise the money when the amount is ascertained and for other purposes.

[NOTE.—A mere equitable charge not secured by deposit of documents can be overridden when the land is made subject to a trust for sale without joining the chargee.]

9th January 1931. *Lease by Frank Smithers of part of Greenacre to his wife for life at a rent.*

[NOTE.—A lease for life is made to take effect as a demise for a term of ninety years determinable by notice after the death of the lessee by his representatives or by the lessor.]

23rd June 1932. *Conveyance by Frank Smithers, of Greenacre, to trustees on trust for sale subject to the lease.* The net proceeds to be held on the trusts of a deed of even date, under which effect is given to the Agreement of 1930.

SPECIMEN NO. 3.

OF THE TITLE OF R. HORNE TO WHITEACRE.

WHERE THE TITLE COMMENCES AFTER THE COMMENCEMENT OF THIS ACT.

4th July 1925. *Settlement by John Wilson, being a deed declaring that Whiteacre is vested in himself in fee upon the trusts of a deed of even date.*

Appointment of R. and S. to be trustees for the purposes of the Settled Land Acts.

Provisions extending the powers conferred by the Settled Land Acts, so far as they relate to dealings with land, and giving power for John Wilson during his life to appoint new trustees.

Trust Deed.

Same date. Trusts declared for John Wilson for life, with remainder.

Upon trust that Elizabeth Wilson, if she survives him shall have a rentcharge of 200*l.* during the residue of her life, and subject thereto.

Upon trust for R. and S. for a term of five hundred years to raise five thousand pounds portions for younger children of John Wilson, with remainder.

Upon trust for Henry Wilson for life, with remainder.

Upon trust for H. and K. for a term of one thousand years to raise five thousand pounds portions for younger children of Henry Wilson, with remainder.

Upon trust for the first and other sons of Henry Wilson successively in tail, with further remainders over. Appointment of R. and S. to be Settled Land Act trustees. Extension of Settled Land Act powers by reference to the Vesting Deed of even date or otherwise. Power for tenant for life of full age to appoint new trustees.

Assignment by John Wilson of his life interest with policies to the Y. Company by way of mortgage which is paid off on his death out of the policy money. — 3rd August 1925.

[NOTE.—This gives to Y. Company the same rights to take possession as if the mortgage were of a legal life estate for the legal estate in fee simple is vested in John Wilson.]

Appointment of new trustee of five hundred years' term. — 4th September 1925.

Recites that S. is incapable of acting. Appointment by John Wilson of P. to be trustee of the term of five hundred years and for the purposes of the Trust Deed in the place of S. and jointly with R. Declaration (express or implied) vesting the equitable term of five hundred years in R. and P.

Appointment of new trustee, whereby John Wilson appoints P. to be trustee of the Vesting Deed in the place of S., and jointly with R. for the purposes of the Settled Land Acts. Memorandum of the appointment endorsed on the Vesting Deed. — Same date.

Will of John Wilson appointing Isaac James and Joseph James executors. — 7th January 1926.

Death of John Wilson, leaving younger children and his widow. — 3rd September 1926.

Will of John Wilson proved by R. and P. in regard to the settled land. — 4th April 1927.

Assignment by R. and P. to B. of term of five hundred years by way of mortgage for securing five thousand pounds and interest. — 1st October 1927.

[NOTE.—As money has been raised on the term the mortgagee could call on the executors to create a legal term for securing it in priority to the settlement.].

Assent by R. and P., as personal representatives, to the vesting of the settled land in Henry Wilson in fee upon the trusts of the Trust Deed. — 2nd December 1927.

Appointment of R. and P. to be trustees for the purposes of the Settled Land Acts. Power for Henry Wilson during his life to appoint new trustees.

The same provisions for extending powers conferred by the Settled Land Acts as are contained in the Vesting Deed.

[NOTE.—These may be inserted either expressly, if short, or by reference to the former Vesting Deed, if long.]

2nd June 1928. Appointment of James Cook and Harry Cook to be trustees of the Trust Deed.

2nd June 1928. *The like of the Vesting Deed.*

4th November 1928. Transfer of the mortgage for five thousand pounds by B. to C.

10th July 1929. Death of Henry Wilson, leaving Thomas Wilson, his eldest son, and two younger children.

1st October 1929. *Letters of Administration to the settled land of Henry Wilson granted to James Cook and Harry Cook.*

3rd November 1929. Disentail by Thomas Wilson.

4th November 1929. Release by C. on payment off of his mortgage debt of five thousand pounds and surrender of the equitable term of five hundred years.

10th November 1929. Death of Elizabeth Wilson.

[NOTE.—Though her jointure took effect in equity only she has power to create a term of years absolute for raising arrears of the jointure, and the estate owner would be bound to give legal effect to a mortgage of the term.]

20th November 1929. Release by two younger children of Henry Wilson of their portions.

Same date. Demise by Thomas Wilson to L. and M. for an equitable term of eight hundred years, subject to cesser on payment of five thousand pounds and interest.

Same date. *Demise by James Cook and Harry Cook to L. and M. for the term of eight hundred years, subject to the cesser on redemption or charge by way of legal mortgage.*

Same date. *Assent by them to the vesting of the settled land, subject to the term or legal charge, in Thomas Wilson in fee, without appointing Settled Land Act trustees.*

10th March 1930. *Conveyance by Thomas Wilson and L. and M. to R. Horne in fee.*

SPECIMEN NO. 4.

OF THE TITLE OF THE ADMINISTRATORS OF M. CURTIS TO RICH AND MIDDLE FARMS.

RELATING TO INFANTS.

Will of James Wilcox devising Rich Farm and Middle Farm to the use of his elder son John Wilcox (an infant) for his life with remainders over for the issue of John Wilcox which failed with remainder to the use of his younger son Gilbert Wilcox (an infant) for his life with remainders over. Appointment of X. and Y. to be executors and Settled Land Act trustees.	2nd January 1918.
Death of testator, leaving his two sons, giving dates of their births.	4th February 1918.
Probate by X. and Y.	12th May 1918.
Assent to the devise, John Wilcox being still an infant.	15th December 1918.
The Law of Property Act, 1922, comes into force and vests the settled land in X. and Y. as Settled Land Act trustees by reason of John Wilcox being an infant.	1st January 1925.
Death of John Wilcox a bachelor and an infant.	3rd June 1925.
Conveyance on sale of Rich Farm by X. and Y. to M. Curtis.	29th September 1925.
Conveyance by X. and Y. vesting Middle Farm in Gilbert Wilcox (who had attained full age) on the trusts of the will of James Wilcox and appointment of themselves as Settled Land Act trustees.	12th October 1925.
Conveyance on sale of Middle Farm by Gilbert Wilcox to M. Curtis, X. and Y. joining to receive the purchase money.	10th November 1925.
Will of M. Curtis purporting to appoint his infant son John Curtis executor.	1st February 1926.
Death of M. Curtis.	3rd April 1926.
Letters of administration with the will annexed granted to M. and N.	5th September 1926.

[NOTE.—Administration will either be granted to a trust Corporation or to not less than two individuals.]

SPECIMEN NO. 5.

OF THE TITLE OF GEORGE SMITH TO HOUSES IN JOHN STREET. RELATING TO LEASEHOLD PROPERTY.

25th March 1911.	*Lease by Charles Robinson to Henry Chubb, of* 10 *to* 16 *(even numbers) John Street, in the city of X, for* 99 *years from date at a yearly rent of* 5*l. for each house.*
26th March 1911.	*First Mortgage (by subdemise) by Henry Chubb to A. for the residue of the term less* 3 *days for securing* 3,000*l. and interest. Declaration by Henry Chubb that he holds the head term in trust for A. subject to redemption.*
Same date.	*Second Mortgage (by subdemise) to B. for the residue of the term less* 2 *days for securing* 1,000*l. and interest. Declaration by Henry Chubb that (subject to the First Mortgage) he holds the head term in trust for B. subject to redemption.*
Same date.	Third Mortgage (by subdemise) to C. for residue of term less 1 day for securing 500*l.* and interest.
24th December 1914.	*Transfer of First Mortgage by A. to T. in trust for Henry Chubb, who pays off the First Mortgage debt.*
1st January 1925.	The Law of Property Act, 1922, comes into operation.
	It extinguishes the first mortgage term, because Henry Chubb was not entitled to keep it alive to the prejudice of his mesne incumbrancers.
1st July 1925.	Order of Court directing Henry Chubb to hand over the Lease, First Mortgage, and Transfer of that Mortgage to B.
20th July 1925.	*Assignment on sale by B., under his power, to George Smith.*

[NOTE.—This conveys the head term created by the Lease and extinguishes all the mortgage terms. The head term may, if desired, be conveyed in the name of Henry Chubb.]

NINTH SCHEDULE.

FORMS OF INSTRUMENTS.

Section 27.

FORM No. 1.

VESTING DEED FOR GIVING EFFECT TO A SETTLEMENT SUBSISTING AT THE COMMENCEMENT OF THIS ACT.

This Vesting Deed made [&c.] between X. of [&c.] and Y. of [&c.] (hereinafter called the Trustees) of the one part and T.L. of [&c.] of the other part.

[*Recite the Settlement under which T.L. is a tenant for life of full age in possession of the freeholds and leaseholds respectively described in the First and Second Schedules and has power to appoint new trustees, and the trustees are trustees for the purposes of the Settled Land Acts, also the request by T.L. that the trustees should execute the requisite vesting deed.*]

Now for giving effect to the requirements of the Law of Property Act, 1922, this deed witnesseth as follows:—

1. The trustees as Trustees hereby declare that—

All and singular the hereditaments and premises respectively mentioned in the First and Second Schedules hereto and all other (if any) the premises capable of being vested by this declaration which are now by any means subject to the limitations of the recited settlement shall forthwith vest in the said T.L. for all the estates terms or interests capable of being vested by this declaration and so as to bind all equitable interests and powers which by the said Act or otherwise are protected by the recited settlement.

2. The said T.L. shall stand possessed of the premises hereby vested upon the trusts and subject to the powers and provisions which under the recited settlement and by virtue of the said Act or otherwise the same ought to be held from time to time.

3. The trustees are the trustees hereof for all the purposes of the Settled Land Acts, 1882 to 1922.

4. [*Add any powers additional to the Settled Land Act powers which are conferred by the settlement and relate to the land.*]

5. [*Add the usual covenant by T.L. with the trustees to pay the rents, observe the lessee's covenants and keep the trustees indemnified.*]

6. The said T.L. during his life shall have power to appoint a new trustee or new trustees hereof.

In witness [&c.].

[NOTE.—Add the schedules. In the first part of the First Schedule give particulars of the manors, advowsons and other incorporeal hereditaments. In the second part give particulars of the freehold land referring, if practicable, to annexed plans, so that the vesting deed may ultimately become a convenient root of title. Unless this is done the deeds referred to will for purposes of the parcels remain part of the title. In the Second Schedule give particulars of the date, parties to the leases, short particulars of the property demised, terms and rents. If there are any legal mortgages having priority to the settlement these should be mentioned in another schedule and referred to in the recitals.]

FORM NO. 2.

VESTING DEED ON THE SETTLEMENT OF LAND.

This Vesting Deed made [&c.] between *John H.* of [&c.] of the first part, *Jane W.* of [&c.] of the second part, and X. of [&c.], Y. of [&c.], and Z. of [&c.] (hereinafter called the trustees) of the third part.

Witnesseth and it is hereby declared as follows:—

1. In consideration of the intended marriage between *John H.* and *Jane W.*, the said *John H.* as Settlor hereby declares that

All that (*setting out the parcels by reference to a schedule or otherwise*) are vested in *John H.* in fee simple (*or in the case of leaseholds refer to the terms*).

Upon the trusts declared concerning the same by a Trust Deed bearing even date with but intended to be executed immediately after these presents, and made between the same parties and in the same order as these presents or upon such other trusts as the same ought to be held from time to time.

2. The trustees are the trustees hereof for all the purposes of the Settled Land Acts, 1882 to 1922.

3. Notwithstanding any restriction contained in those Acts, the following powers additional to or larger than those conferred by those Acts, are conferred by the settlement on the said *John H.* or his personal representatives in reference to the premises hereby settled, and on the trustees, that is to say,

[*Here insert any additional powers that may be required in relation to the land*].

4. The said *John H.* during his life shall have power to appoint new trustees hereof.

In witness [&c.]

FORM NO. 3.

TRUST DEED ON THE SETTLEMENT OF LAND.

This Trust Deed made [&c.] between *John H.* of [&c.] (hereinafter called the Settlor) of the first part, *Jane W.* of [&c.] of the second part, and X. of [&c.], Y. of [&c.], and Z. of [&c.] (hereinafter called the trustees) of the third part.

Whereas these presents are supplemental to a deed (hereinafter called the Vesting Deed) bearing even date with but executed before these presents, and made between the same parties and in the same order as these presents, being a deed vesting certain hereditaments situated at in the county of in the Settlor Upon the trusts declared concerning the same by a trust deed of even date therein referred to (meaning these presents), and whereby the trustees were appointed trustees thereof for the purposes of the Settled Land Acts, 1882 to 1922, and certain powers were conferred in addition to the powers conferred by those Acts.

Now in consideration of the intended marriage between the Settlor and *Jane W.*, this Deed witnesseth as follows:—

1. The Settlor hereby agrees that he will hold the hereditaments comprised in the Vesting Deed In trust for himself until the solemnisation of the said marriage and thereafter Upon the trusts following, that is to say:—

2. Upon trust for the Settlor during his life without impeachment of waste with remainder Upon trust if *Jane W.* survives him that she shall receive out of the premises during the residue of her life a yearly jointure rentcharge of [&c.] and subject thereto Upon trust for the trustees for a term of 800 years from the date of the death of the Settlor without impeachment of waste Upon the trusts hereinafter declared concerning the same. And subject to the said term and the trusts thereof Upon trust for the first and other sons of the said intended marriage successively according to seniority in tail male with remainder [&c.] with an ultimate remainder in trust for the Settlor in fee simple.

[*Here add the requisite trusts of the portion's term, and any other proper provisions including the appointment of the*

trustees, as Settled Land Act trustees, extension of Settled Land Act powers either expressly or by reference to the Vesting Deed and a power for the tenant for life for the time being of full age to appoint new trustees.]

In witness [&c.].

[NOTE.—The Vesting Deed and Trust Deed can be executed as escrows till the marriage.]

FORM No. 4.

SUPPLEMENTAL VESTING DEED ON SALE WHEN THE LAND IS PURCHASED WITH CAPITAL MONEY.

This Supplemental Vesting Deed made [&c.] between *Henry V.* of [&c.] (hereinafter called the Vendor) of the first part, X. of [&c.], Y. of [&c.], and Z. of [&c.] (hereinafter called the trustees) of the second part, and *John H.* [&c.] (hereinafter called the Purchaser) of the third part.

Whereas the Vendor is entitled for an estate in fee simple in possession free from incumbrances to the hereditaments herein-after conveyed and has agreed to sell the same to the Purchaser at the price of pounds.

And whereas these presents are supplemental to a vesting deed (herein-after called the principal deed) dated [&c.], and made [&c.] [*Form No.* 2], being a deed vesting certain hereditaments in the Purchaser Upon the trusts of a trust deed of even date therewith, and by the principal deed the trustees were appointed to be the trustees thereof for the purposes of the Settled Land Acts, 1882 to 1922.

Now this Deed witnesseth as follows:—

1. In consideration of the sum of pounds now paid to the Vendor by the trustees by the direction of the purchaser (the receipt of which sum the Vendor hereby acknowledges) the Vendor as Beneficial Owner hereby conveys unto the Purchaser All those [&c.]

To hold unto the Purchaser [in fee simple] upon and subject to the same trusts and powers as are declared by the principal deed by reference as aforesaid with respect to the hereditaments therein comprised.

2. [*Insert nomination of the trustees to be trustees for the purposes of the Settled Land Acts.*]

3. [*And (by reference to the provisions contained in the principal deed) any subsisting extended powers.*]

4. [*Power for the purchaser during his life to appoint new trustees.*]

In witness [&c.]

NOTE.—On a purchase of a term of years absolute out of capital money, the term must be conveyed to the tenant for life, if any, of full age, instead of to the trustees of the settlement. If there is a minority the land will be conveyed to the personal representatives or to the Settled Land Act trustees.

FORM NO. 5.

CONVEYANCE BY PERSONAL REPRESENTATIVES OF A FEE SIMPLE RESERVING THEREOUT A TERM OF YEARS ABSOLUTE.

This Conveyance made [&c.] between *James Cook* of [&c.] and *Harry Cook* of [&c.] of the first part, L. of [&c.] and M. of [&c.] of the second part, and *Thomas Wilson* of [&c.] of the third part.

Whereas on the first day of October 1925 Letters of Administration to the real and personal estate of *Henry Wilson*, late of [&c.], who died [&c.], were granted by the principal probate registry to *James Cook* and *Harry Cook*.

And whereas *Henry Wilson* was at his death solely entitled to the hereditaments herein-after conveyed for an estate in fee simple.

Now this Deed witnesseth that *James Cook* and *Harry Cook*, as Personal Representatives of the said *Henry Wilson* deceased, hereby convey unto the said *Thomas Wilson* All that [&c.]

Reserving out of the premises nevertheless unto L. and M. a term of eight hundred years, without impeachment of waste, to commence from the date hereof but subject to cesser on redemption by *Thomas Wilson* under a Mortgage dated [&c.] and made between [&c.] on payment of the sum of five thousand pounds, and interest thereon at the rate of five pounds per centum per annum To hold the premises subject to the said term unto *Thomas Wilson* [in fee simple]. In witness [&c.]

NOTE.—The reservation will be valid at law, though the deed may not be executed by *Thomas Wilson*.

FORM NO. 6.

CONVEYANCE ON SALE RESERVING MINERALS AND RIGHT TO WORK AND A PERPETUAL RENTCHARGE.

This Conveyance made [&c.] between *A.* of [&c.] of the one part and B. of [&c.] of the other part.

Witnesseth that in consideration of the sum of pounds now paid by *B.* to *A.* (the receipt, &c.) and of the rentcharge herein-after reserved *A.* as Beneficial Owner hereby conveys unto *B.* All those [&c.] except and reserving unto *A.* in fee simple all mines and minerals Together with full power to work [&c.]

To hold (except and reserved as aforesaid) unto B. in fee simple reserving out of the premises and yielding and paying to A. in fee simple a perpetual yearly rentcharge of pounds, to be for ever charged upon and issuing out of the premises hereby conveyed clear of all deductions (except landlord's property tax), and payable by equal half-yearly payments on [&c.], the first payment to be made on [&c.]

And *B.* hereby covenants with *A.*, and the persons deriving title under him to pay [&c.]

In witness [&c.]

Note the reservations will be valid at law even if the deed is not executed by B.

FORM NO. 7.

DEED FOR CONFIRMING LEGAL ESTATES WHICH HAVE NOT BEEN VALIDLY CREATED.

To All to whom this Further Assurance shall come *A.B.* of, &c. sends greeting this day of 19 .

[*Recite the invalid dealings, giving short particulars in schedules of the Conveyances, Grants and Leases which purport to transfer or create legal estates, that A.B. is entitled in fee simple or for a term of years absolute in the land affected and desires to confirm the dealings.*]

Now these presents witness and the said *A.B.* hereby declares that his legal estate in the premises affected to which he is entitled as aforesaid shall go and devolve in such manner as may be requisite for legally confirming the interests capable of subsisting as legal estates expressed to have been transferred or created by the documents mentioned in the schedules hereto or any of those documents and any dealings

with the interests so confirmed which would have been legal if those interests had in the first instance been validly transferred or created:

Provided always that subject to such confirmation of interests and dealings nothing herein contained shall affect the legal estate of the said *A.B.* in the premises.

In witness, &c. [*Add schedules.*]

NOTE.—This form takes the place of a conveyance to uses for confirming past transactions and is applicable to a term of years absolute as well as a fee simple.

FORM NO. 8.

ASSENT BY PERSONAL REPRESENTATIVE.

I, *A.B.*, of [&c.] as the personal representative of *X.Y.*, late of [&c.] deceased, do this day of 19 hereby, As Personal Representative, assent to the vesting in *C.D.* of [&c.] of [All that farm &c.] *or* [All the property described in the Schedule hereto] for all the estate or interest of the said *X.Y.* at the time of his death [*or*, for an estate in fee simple].

[*Here, if a settlement is on foot, insert appointment of proper persons to be trustees for the purposes of the Settled Land Acts, a declaration of trust by C.D. to hold on the trusts of the Trust Deed or Will, also any additional powers and power to appoint new trustees, also add Schedule if required. If the land is to be held on trust for sale, add a declaration by the trustees that they hold the land on trust for sale and will stand possessed of the net proceeds on the trusts declared of the same by the Will or other settlement. Also add power to appoint new trustees corresponding to the power, if any, in the Will or settlement.*]

As witness, &c.

NOTE.—The expression "conveyance" includes an assent, but an assent will relate back to the death unless a contrary intention appears.

FORM NO. 9.

CHARGE BY WAY OF LEGAL MORTGAGE.

This Legal Charge made [&c.] between *A.* of [&c.] of the one part and *B.* of [&c.] of the other part.

[*Recite the title of A. to the freeholds or leaseholds in the Schedule and agreement for the loan by B.*]

Now in consideration of the sum of pounds now paid by *B.* to *A.* (the receipt &c.) this Deed witnesseth as follows :—

1. *A.* hereby covenants with *B.* to pay [*Add the requisite covenant to pay principal and interest*].

2. *A.* as Beneficial Owner hereby charges by way of legal mortgage All and Singular the hereditaments mentioned in the Schedule hereto with the payment to *B.* of the principal money, interest, and other money hereby covenanted to be paid by *A.*

3. [*Add covenant to insure buildings and any other provisions desired.*]

In witness [&c.] [*Add Schedule*].

NOTE.—*B.* will be in the same position as if a mortgage had been effected by a demise of freeholds or a subdemise of leaseholds.

Section 35.

TENTH SCHEDULE.

CONSEQUENTIAL AMENDMENTS OF THE SETTLED LAND ACTS, 1882 TO 1890.

Amendments consequential on Part I. of this Act.

1. The following provisions shall take effect as respects the Settled Land Acts, 1882 to 1890, in this Schedule referred to as the Acts :—

(1) In subsection (6) of section two of the Act of 1882 the words "as tenants in common or" and the words "or for other concurrent estates or interests" are hereby repealed, and all references in the Acts to undivided shares in land and to partitions of the settled land are likewise repealed :

(2) An express power to sell settled land which is not vested in the tenant for life of full age, or statutory owner, shall not be exerciseable in relation to the land, but the operation of such power to constitute persons to be trustees of the settlement shall remain unaffected ; and all powers (including powers conferred by other statutes in extension of the powers conferred by the Acts) to raise money by mortgage of the settled land shall be exerciseable by charge by way of legal mortgage or by demise or subdemise thereof :

(3) In clause (i) of subsection (10) of section two of the Act of 1882, in place of the words "also an undivided share" the words "but not an undivided share" are hereby substituted :

(4) Section nineteen and subsections (1) (2) and (3) of section twenty-four of the Act of 1882 are hereby repealed, and in subsection (4) of section twenty-four aforesaid the words "by purchase or in exchange" are hereby substituted for the words "as aforesaid," and references to "undivided shares" and to "partition" in that section are hereby repealed, and the words "in respect of money actually raised and remaining unpaid" are also repealed:

(5) The following enactment is hereby substituted for subsection (1) of section thirty-seven of the Act of 1882, namely:—

"Where personal chattels are settled so as to devolve with settled land, a tenant for life of the land may sell the chattels or any of them."

(6) The words "trustee is a trust corporation" are hereby substituted for the words "settlement authorises the receipt of capital trust money of the settlement by one trustee" in subsection (1) of section thirty-nine of the Act of 1882; and the words "the trustee is a trust corporation" are hereby substituted for the words "a contrary intention is expressed in the settlement" in subsection (2) of section forty-five of the Act of 1882:

(7) Where an application is made to the court for the appointment of trustees of a trust deed or settlement, and a vesting instrument is subsisting, the court shall also have power to appoint trustees for the purposes of the Acts of the principal or only vesting instrument and of the supplemental vesting instruments, if any, referred to in the application; and may require a memorandum of the appointment to be endorsed thereon. References in the Acts to settlements and to trustees of settlements shall, in connexion with the appointment of trustees, extend to vesting instruments and to the trustees thereof:

(8) Section forty-four of the Act of 1882 shall apply to all questions or differences in relation to settled land which may arise under Part I. of this Act:

(9) The provisions of section fifty-one of the Act of 1882 shall apply to any matter which might induce a tenant for life of full age, or statutory owner, not to exercise his right to require the settled land to be vested in him:

(10) All powers which under section fifty-six of the Act of 1882 (as amended) could only be exercised in relation to the settled land with the consent of the tenants for life or one of them shall, after the commencement of this Act, be exerciseable by the tenant for life of

full age, or statutory owner, as if the same were additional powers within section fifty-seven of that Act:

(11) Clause (ix) of subsection (1) of section fifty-eight of the Act of 1882 does not apply where the land is subject to an immediate binding trust for sale:

(12) Sections fifty-nine and sixty of the Act of 1882 (as amended or extended by this Act) shall have effect subject to the provisions of this Act requiring the settled land during a minority to be vested in the statutory owner unless retained by a personal representative:

(13) Section sixty-three of the Act of 1882 and sections six and seven of the Act of 1884 are hereby repealed:

(14) The last paragraph of section nine of the Act of 1890, commencing with the words "and the rentcharge," is hereby repealed.

Amendments for the purposes of Parts V. and VI.

2. The following provisions shall, for the purposes of Parts V. and VI. of this Act, have effect as amendments of the Acts, namely:—

(1) References in the Acts to "enfranchisements" and to "sales" shall, after the commencement of this Act, extend to the extinguishment of manorial incidents:

(2) Where rights to manorial incidents are comprised in a settlement the tenant for life of full age, or statutory owner, may, as respects any fines payable in respect of an alienation in lieu of a fine payable for a licence authorising the alienation, agree the amount of the fine if the same is not fixed by the custom of the manor:

(3) Section fourteen and subsection (3) of section twenty of the Act of 1882 are hereby repealed:

(4) Any gross sum or an instalment thereof received in respect of the extinguishment of manorial incidents shall be capital money arising under the Acts:

(5) Capital money may be applied—

(*a*) In discharge of any fines payable in respect of the alienation of any settled land affected by manorial incidents;

(*b*) In payment of the gross sum or an instalment thereof payable as compensation for the extinguishment of manorial incidents affecting the settled land, and for the acquisition of any mines, minerals, and other rights of the lord or the owner of the land affected by the manorial incidents, and for the compensation of the steward;

(c) In redemption of any compensation rentcharge created in respect of the extinguishment of manorial incidents, and affecting the settled land;

(d) In payment of costs and expenses incidental to any of the above matters:

(6) The tenant for life of full age, or statutory owner, shall, in reference to a compensation agreement and to other incidental matters, have the powers conferred on him by the Law of Property Act, 1922, either as tenant for life of full age, or statutory owner, of the settled land affected by manorial incidents, or of the manor, or otherwise in right of the manorial incidents as the case may require:

(7) A tenant for life of full age, or statutory, owner may raise money in like manner as he is authorised to raise money by section eleven of the Act of 1890 (as amended) for any of the following purposes, namely:—

(a) For extinguishing any manorial incidents under the Law of Property Act, 1922; or

(b) For compensating the steward on the extinguishment of manorial incidents and for discharging the expenses incurred in connexion with the extinguishment; or

(c) For redeeming a compensation rentcharge created under the Law of Property Act, 1922, and affecting the settled land; and

(d) For discharging the money properly required for payment of the costs of any such transaction.

Amendments for the purposes of Part VII.

3. The following provisions shall, for the purposes of Part VII. of this Act, have effect as amendments of the Acts, namely:—

(1) Capital money may be applied—

(a) In commuting any additional rent made payable under Part VII. of the Law of Property Act, 1922, on the conversion of a perpetually renewable leasehold interest into a long term, and in satisfying any claim for compensation under that Act by any officer, solicitor, or other agent of the lessor in respect of fees or costs which would have been payable by the lessee or underlessee on any renewal;

(b) In payment of costs and expenses incidental to the above matters:

(2) In reference to the conversion of a perpetually renewable lease or underlease into a long term, a tenant for life of full age, or statutory owner, may enter into

such agreements and do such acts and things as the lessor or lessee or underlessee (as the case may require) is, by Part VII. of the Law of Property Act, 1922, authorised to enter into or do:

(3) A tenant for life of full age, or statutory owner, may raise money in like manner as he is authorised to raise money by section eleven of the Act of 1890 (as amended) for any of the following purposes, namely:—

(*a*) For commuting any additional rent made payable under Part VII. of the Law of Property Act, 1922, on the conversion of a perpetually renewable leasehold interest into a long term;

(*b*) For satisfying any claims for compensation under that Act by any officer, solicitor, or other agent of the lessor in respect of fees or costs which would have been payable by the lessee or underlessee on any renewal;

(*c*) For discharging the money properly required for payment of the costs of the transaction.

Section 82.

ELEVENTH SCHEDULE.

FORMS OF TRANSFER AND DISCHARGE OF MORTGAGES.

PART I.

FORM OF TRANSFER OF MORTGAGE.

This Transfer of Mortgage made the day of 19 . Between M. of [&c.] of the one part and T. of [&c.] of the other part, supplemental to a Mortgage dated [&c.], and made between [&c.], and to a Further Charge dated [&c.], and made between [&c.] affecting &c. (*here state short particulars of the mortgaged property*).

WITNESSETH that in consideration of the sums of £ and £ (for interest) now paid by M. to T., being the respective amounts of the mortgage money and interest owing in respect of the said mortgage and further charge (the receipt of which sums M. hereby acknowledges) M., as mortgagee, hereby conveys and transfers to T. the benefit of the said mortgage and further charge.

In witness, &c.

PART II.

FORM OF RECEIPT ON DISCHARGE OF A MORTGAGE. Section 84.

I, *A.B.*, of [&c.] hereby acknowledge that I have this day of 19 , received the sum of £ representing the [aggregate] [balance remaining owing in respect of the] principal money secured by the within [above] written [annexed] mortgage [and by a further charge dated, &c., *or otherwise as required*] together with all interest and costs, the payment having been made by *C.D.* of [&c.] and *E.F.* of [&c.]

As witness, &c.

NOTE.—If the persons paying are not entitled to the equity of redemption, state that they are paying the money out of a fund applicable to the discharge of the mortgage, see section 84 (2).

TWELFTH SCHEDULE. Section 128.

EFFECT OF ENFRANCHISEMENT.

(1) The following provisions shall, from and after the commencement of this Act, apply with respect to the enfranchised land:—

(*a*) The land shall be freehold land and be free from liability for forfeiture for the conveyance or attempted conveyance of an estate of freehold in the land, or for alienation without licence, whether by way of sale, lease, mortgage or otherwise:

(*b*) The tenant shall be free from the customary suits and services and from liability to do fealty:

(*c*) In place of the lord's right to escheat the Crown or the Duchy of Lancaster or the Duke of Cornwall (as the case may require) may become entitled to the land as bona vacantia under the provisions of Part VIII. of this Act:

(*d*) The land shall not be subject to the custom of borough English, or of gavelkind, or to any other customary mode of descent, or to any custom relating to dower or freebench or tenancy by the curtesy, or to any other custom whatsoever, but shall be governed as to descent on death and intestacy or partial intestacy and devolution on death by the provisions of Parts VIII. and IX. of this Act:

Provided that nothing in this paragraph with respect to dower, freebench, or curtesy shall apply to any person married before the commencement of this Act, unless in the case of dower or freebench the husband dies after the commencement of this Act, and in the case of curtesy, the wife dies after such commencement; but where a right to freebench has attached before the commencement of this Act which cannot be barred by a testamentary or other disposition made by the husband, then such right shall, unless released, remain in force in equity:

(*e*) The land shall (subject to the provisions of Part I. of this Act and of this Schedule) be held under the same title as that under which it was held at the commencement of this Act, and shall not be subject to any estate, right, charge, or interest affecting the manor:

(*f*) Every mortgage of the copyhold estate in the land shall become a mortgage of the land for a term of years absolute in accordance with the provisions of Part I. of this Act and accordingly:

(i) Where at the commencement of this Act a mortgage of the customary estate of inheritance in copyhold land effected by surrender, with or without admission, or by a covenant to surrender, is subsisting, then the mortgagee shall, by virtue of this Act, acquire a legal term of years absolute in the enfranchised land comprised in his mortgage subject to a proviso for cesser corresponding to the right of redemption subsisting under the mortgage;

(ii) Where at the commencement of this Act the copyhold land has been surrendered to the use of a mortgagee, without notice of a previous covenant to surrender contained in another mortgage, that mortgagee shall not be deemed to be a subsequent incumbrancer as respects the last-mentioned mortgage.

In this paragraph the expression "surrender" includes any other disposition which, when entered on the court rolls, operated as a surrender to the use of any person.

(2) The enfranchisement shall not, except as in this Act mentioned, affect the rights or interests of any person in the enfranchised land under a will, settlement, mortgage, or otherwise by purchase, but those rights and interests shall (subject to the provisions of Part I. of this Act) continue to attach upon

the land enfranchised in the same way as nearly as may be as if the freehold had been comprised in the instrument or disposition under which that person claims, and accordingly the enfranchised land shall (save as expressly provided by this Act) be subject to the same or corresponding trusts, powers, executory limitations over, rights and equities (if any) and to the same or corresponding incumbrances and obligations as affected the land immediately before the commencement of this Act:

Provided that (in the case of manors in which at the commencement of this Act it was the practice for copyholders in fee to grant derivative interests to persons admitted as copyholders of the manor in respect of those interests) the provisions of this paragraph as to the attachment of such rights and interests as aforesaid shall apply only to the estate of the copyholder in fee, but the enfranchisement shall enure for the benefit of the persons entitled to such derivative interests in manner hereinafter provided.

(3) Where the land is, at the commencement or by virtue of this Act, subject to any subsisting lease or demise, for a term of years absolute, the freehold into which the copyhold estate is converted shall be the reversion immediately expectant on the lease or demise, and the benefit of the rents and services reserved and made payable on, and the conditions in, or in respect of, the lease or demise, shall be incident and annexed to the reversion, and the burden of the covenants or agreements, expressed or implied, on the part of the lessor and lessee respectively shall run with the reversion and with the land respectively, and the enfranchisement shall not affect any right of distress, entry, or action accruing in respect of the lease or demise, and any lease or demise, otherwise than for a term of years absolute, shall take effect in equity only:

Provided that (in the case of manors in which it was the practice for copyholders in fee to grant derivative interests to persons admitted as copyholders of the manor in respect of those interests) this paragraph shall apply only in respect of leases or demises taking effect out of the estate of the copyholder in fee.

(4) An enfranchisement by virtue of this Act shall not deprive a tenant of any commonable right to which he is entitled in respect of the enfranchised land, but where any such right exists in respect of any land at the commencement of this Act it shall continue attached to the land notwithstanding that the land has become freehold.

(5) An enfranchisement by virtue of this Act of any land (including any mines and minerals hereinafter mentioned)

shall not affect any right of the lord or tenant in or to any mines, minerals, limestone, lime, clay, stone, gravel, pits, or quarries, whether in or under the enfranchised land or not, or any right of entry, right of way and search, or other easement or privilege of the lord or tenant in, on, through, over, or under any land, or any powers which in respect of property in the soil might but for the enfranchisement have been exercised for the purpose of enabling the lord or tenant, their or his agents, workmen, or assigns, more effectually to search for, win, and work any mines, minerals, pits, or quarries, or to remove and carry away any minerals, limestone, lime, stones, clay, gravel, or other substances had or gotten therefrom, or the rights, franchises, royalties, or privileges of the lord in respect of any fairs, markets, rights of chase or warren, piscaries, or other rights of hunting, shooting, fishing, fowling, or otherwise taking game, fish, or fowl:

Provided that the owner of the enfranchised land shall, notwithstanding any reservation of mines or minerals in this Act (but without prejudice to the rights to any mines or minerals, or the right to work or carry away the same), have full power to disturb or remove the soil so far as is necessary or convenient for the purpose of making roads or drains or erecting buildings or obtaining water on the land.

(6) An enfranchisement by virtue of this Act shall not affect any liability subsisting at the commencement of this Act (whether arising by virtue of a court leet regulation or otherwise) for the construction maintenance cleansing or repair of any dykes, ditches, canals, sea or river walls, piles, bridges, levels, ways and other works required for the protection or general benefit of any land within a manor or for abating nuisances therein; and any person interested in enforcing the liability may apply to the court to ascertain or apportion the liability and to charge the same upon or against the land or any interest therein: and the court may make such order as it thinks fit; and the charge when made by the order shall be deemed to be a land charge within the meaning of the Land Charges Registration and Searches Act, 1888 (as amended by any subsequent enactment), and may be registered accordingly; and, in addition, the jurisdiction of any court leet, customary or other court, in reference to the matter is hereby transferred to the court.

51 & 52 Vict. c. 51.

(7) A right preserved to the lord by virtue of this schedule shall not for the purposes of Part VI. of this Act be deemed to be a manorial incident unless it is otherwise agreed.

(8) On the enfranchisement of any land by virtue of this Act—

(*a*) If there is a copyholder in fee (not being a mortgagee) the freehold estate in fee simple shall vest (subject as provided in this schedule) in that person:

(*b*) If there is no copyholder in fee, or a mortgagee has been admitted, the freehold estate in fee simple shall (subject as provided in this schedule) vest in the person who immediately before the commencement of this Act had the best right to be admitted as copyholder in fee, or would have had such right if a mortgagee had not been admitted, but such person shall (save as hereinafter provided) be personally liable to pay the fines and fees which would have been payable by him on admittance; and if the last person who was admitted as copyholder in fee (not being a mortgagee) has died before the commencement of this Act (whether or not having disposed of the land by will), his personal representative shall be deemed to have had the best right to be admitted:

(*c*) In the case of manors in which it was the practice of copyholders in fee to grant derivative interests to persons who were admitted as copyholders of the manor in respect of those interests, the enfranchisement of the land, and vesting of the same in the copyholder in fee (not being a mortgagee) or other person entitled under this schedule shall enure for the benefit of every person having or entitled to acquire any customary estate or interest in the land, and every such person shall (without prejudice to the provisions of Part I. of this Act) become entitled to a legal estate (if the interest is capable of subsisting as a legal estate) or equitable interest in the enfranchised land corresponding to his former customary or other estate or interest, but subject to the manorial incidents affecting such estate or interest until the same are extinguished under Part VI. of this Act, and so that a mortgagee of the inheritance shall take only a term of years absolute:

(*d*) Where at the commencement of this Act the copyhold land was subject to interests affecting or derived out of the fee simple which are under this Act capable of subsisting at law, but immediately after such commencement were not capable of being overreached by virtue of a subsisting trust for sale or a settlement, the persons entitled shall (subject to the terms of years absolute of prior mortgagees) take legal estates in the enfranchised land corresponding to their former

equitable or other interests, but subject to the manorial incidents (if any) affecting such interests until the same are extinguished under Part VI. of this Act:

(*e*) If at the commencement of this Act there is a person entitled to a perpetually renewable lease in the copyhold land (not being a mortgagee) the freehold estate in fee simple shall vest (subject as provided in this schedule) in that person as if he had been a copyholder in fee:

Provided that—

(i) If a question arises as to who had the best right to be admitted as copyholder in fee, or has otherwise become entitled by virtue of this schedule to the freehold estate in fee simple, or to a derivative legal estate, the court, on the application of the lord of the manor or any person interested in the land, may declare who had the best right to be so admitted, or has become so entitled, or, in case the person who had the best right to be so admitted, or has become so entitled, cannot be found or ascertained, then on proof that such fines and fees as are made payable by this schedule have been paid or provision made for their payment, the court, on the like application, may make an order vesting the freehold estate in fee simple, or a derivative legal estate (subject to the reservation of any terms of years absolute required for giving effect to incumbrances) in such person as may be appointed by the court for the purpose (who shall, in the case of the fee simple, be deemed to have been admitted to the inheritance), but subject to the manorial incidents affecting the same until those incidents are extinguished under Part VI. of this Act, and the lord may be so appointed and in such case shall be deemed to have paid the fines and fees aforesaid; and

(ii) Where at the commencement or by virtue of this Act the copyhold land is settled land, the freehold estate in fee simple or derivative legal estate, as the case may be, shall (subject to the terms of years absolute of mortgagees having priority to the settlement) and without prejudice in equity to any incumbrance affecting any life estate or interest, vest in the tenant for life of full age or statutory owner (including a personal representative entitled to the settled land) upon such trusts and subject to such powers and provisions as may be necessary to give effect to the settlement, save that

a fee simple conditional (whether legal or equitable) on the birth of issue shall take effect as and be converted into an equitable entailed interest (either general or special as the case may require), if the fee has not become absolute; and

(iii) Where at the commencement of this Act the copyhold land or an equitable interest therein capable of subsisting as a legal estate was vested in an infant, the freehold estate in fee simple or derivative legal estate, as the case may be, shall (subject as aforesaid) vest in the personal representatives or trustees of the settlement, or other persons who, under Part I. of this Act, become entitled to the legal estate of the infant; and

(iv) Where at the commencement of this Act the copyhold land was held in undivided shares, the entirety of the freehold estate in fee simple shall (subject to any terms of years absolute required for giving effect to mortgages affecting the entirety), vest in trustees for sale in accordance with the provisions of Part I. of this Act; and

(v) Where at the commencement or by virtue of this Act the copyhold land was or is made subject to a trust for sale, the freehold estate in fee simple shall (subject to the terms of years absolute of mortgagees) vest in the trustees for sale in accordance with this Act; and

(vi) Where under the provisions of this schedule the freehold estate in fee simple is (subject or not to any mortgage term), made to vest in any person who was not the copyholder in fee at the commencement of this Act, then such person shall be deemed to have been admitted tenant to the inheritance immediately before such commencement, and such person shall (save as hereinafter provided) be personally liable to pay the fines and fees which would have been payable by him on admittance; and

(vii) If two or more persons together constitute the person who, immediately before the commencement of this Act, had the best right to be admitted as aforesaid, or in whom the freehold estate in fee simple is made, by virtue of this schedule, to vest without having actually been admitted as copyholders in fee, they shall not be personally liable under the foregoing provisions to pay any greater fines and fees than would have been payable if one of them only had been admitted tenant to the inheritance; and

(viii) If at the commencement of this Act there is a copyholder in fee (whether or not being a mortgagee) then notwithstanding that, by virtue of this Act, the freehold estate in fee simple is made to vest in some other person who has not been admitted to the inheritance, but is deemed to have been so admitted, no fines or fees shall be payable on that account; and

(ix) No fines or fees shall be payable by reason only of the vesting, by virtue of this Act, of a term of years absolute perpetual rentcharge or other derivative legal estate in the person entitled thereto, although he may not have been admitted at the commencement of this Act.

Section 138.

THIRTEENTH SCHEDULE.

COMPENSATION FOR EXTINGUISHMENT OF MANORIAL INCIDENTS.

PART I.

FORM No. 1.

COMPENSATION AGREEMENT.

Manor of , in the County of .

AN AGREEMENT made the day of 19 , BETWEEN *A.B.*, of &c. (Lord of the above-mentioned Manor) of the first part, *C.D.*, of &c. (Mortgagee of the said Manor) of the second part, *E.F.*, of &c., and *G.H.*, of &c. (Settled Land Act Trustees of the Vesting Deed affecting the said Manor) of the third part, *X.Y.*, of &c. (the Owner of the land described in the First Schedule hereto, formerly copyhold of the said Manor but now enfranchised by virtue of the Law of Property Act, 1922) of the fourth part, and *H.J.*, of &c. and *K.L.*, of &c. (Settled Land Act Trustees of the Vesting Deed affecting the said land), of the fifth part.

[NOTE.—In framing compensation agreements only the persons who on a sale of the manorial incidents and of the land affected would have been able to make a title thereto respectively and give a receipt for the purchase money will be made parties.]

WITNESSETH AS FOLLOWS:—

1. Pursuant to the Law of Property Act, 1922, it is agreed that the compensation for the extinguishment of the manorial incidents saved by Part V. of that Act affecting the said land [and of the rights of the lord in or to any mines and minerals in or under the said land and the sporting and other rights affecting the same preserved by the Twelfth Schedule to that Act] shall be the sum of
pounds with interest thereon payable half yearly at the rate of five and a half pounds per cent. per annum from the date hereof until paid [*or* the principal sum of
pounds to be paid by twenty equal instalments, the first instalment to be paid on the first day of January next with interest at five and a half per cent. per annum on the said principal sum from the date hereof and a further instalment with interest at the like rate on so much of the said principal sum as for the time being remains unpaid to be paid on every subsequent first day of January until the said principal sum shall be fully paid (all interest up to date being paid with the instalments) and so long as any of the said instalments and interest remain payable a terminable and variable rentcharge commencing from the date hereof and accruing from day to day but payable at the same time as the instalments and interest shall issue out of the said land [*or* the part of the said land described in the first part of the First Schedule hereto] of an amount equal to the said instalments and interest from time to time payable and so as to secure the same].

2. The said (*the person who retains the custody of the documents mentioned in the first part of the Second Schedule which relate to the manor*) hereby acknowledges the right of the said to production of the documents mentioned in the first part of the Second Schedule hereto and to delivery of copies thereof [and hereby undertakes for the safe custody thereof].

3. The said (*the person who retains the documents mentioned in the second part of the Second Schedule which relate to the land*) hereby acknowledges the right of the said to production of the documents mentioned in the second part of the Second Schedule hereto and to delivery of copies thereof [and hereby undertakes for the safe custody thereof].

4. The stewards compensation and all costs and expenses paid or incurred by the lord and recoverable from the tenant in respect of this extinguishment have been included in the compensation money aforesaid.

AS WITNESS the hands of the parties hereto the day and year first above written.

[NOTE.—If the compensation is not paid in one gross sum, then the agreement should be executed in duplicate. If the tenant releases his rights in the minerals and grants any facilities for working the same the release and grant may be inserted in the agreement which should then be executed under seal. Though the mines and minerals included in the copyhold tenement are enfranchised, the rights in relation thereto are not affected unless expressly included as in paragraph 1.

The undertaking in paragraphs 2 and 3 will be omitted where a mortgagee or trustee retains the documents.]

The FIRST SCHEDULE referred to in the above Agreement.

DESCRIPTION OF THE LAND AFFECTED BY THE MANORIAL INCIDENTS.

[NOTE.—This description will be taken from the Court Rolls, unless a new description is agreed to. In default of agreement the party requiring a plan or new description must bear any additional costs incident thereto.]

The SECOND SCHEDULE referred to in the above Agreement.

FIRST PART.

Particulars of documents relating to the said Manor and retained by the said .

SECOND PART.

Particulars of documents relating to the said land and retained by the said .

FORM No. 2.

RECEIPT FOR RENTS, &C. AND GROSS SUM TO BE ENDORSED ON THE COMPENSATION AGREEMENT.

The Manor of in the County of .

1. The within-named lord of the above-mentioned manor hereby acknowledges that all rents, fines, reliefs, heriots and fees payable in respect of the land referred to in the within Agreement have been duly discharged.

2. The said lord [*or* The within named and (as trustees for the purposes of the Settled Land Acts of the Vesting Deed affecting the said manor *or other*

the proper description of the persons who would be entitled to give a receipt for the proceeds of the sale if the manorial incidents were sold)] hereby acknowledge[s] the receipt of the Compensation money by the within written Agreement agreed to be paid and all interest (if any) due thereon.

Dated this day of 19 .

[NOTE.—Paragraph 2 will only be used when the compensation is paid in a single gross sum. If a rentcharge is created separate receipts must be given as and when each instalment is paid.]

PART II.

Section 139.

SCALE OF COMPENSATION FOR EXTINGUISHMENT OF MANORIAL INCIDENTS.

Fines Arbitrary.

1. In fine arbitrary cases where a fine is payable on alienation by, as well as on the death of, a tenant, the compensation for fines shall not exceed the number of years' annual value of the land according to the age of the tenant as set forth in the table annexed to this schedule.

2. The table is calculated on the principle that a fine based on two years' annual value is payable on each change of tenancy; therefore, in those manors in which the customary fine on alienation by, or on the death of, a tenant, is based on more or less than two years' annual value, a proportionate increase or reduction shall be made in the amount of the compensation.

3. In estimating the annual value of the land, no deduction shall be made for land tax or landlord's property tax, but the quit rent shall be deducted, and, where there are buildings, allowance shall be made for keeping the buildings in repair. In default of agreement the gross annual value of the land as separately assessed for the purposes of Schedule A. of the Income Tax Act, shall (save as hereinafter provided and unless the Minister for any special reason otherwise directs) be used as the basis for ascertaining the annual value: Provided that either party may in any case require the annual value to be assessed by an agreed valuer or by a valuer appointed by the Minister.

4. Where there are facilities for improvement or the land has a present or prospective building value, one twentieth part of the capital value of the land as freehold to be determined (in default of agreement) by a valuer appointed by the Minister, shall be used as a basis for ascertaining the annual value.

Fines Certain.

5. In fine certain cases where a fine is payable on alienation by, as well as on the death of, a tenant, the compensation for fines shall be calculated by multiplying the amount of the fine by one half of the number of years' purchase given in the table according to the age of the tenant.

Reliefs.

6. The amount of compensation for a relief shall be calculated in like manner as a fine certain.

Heriots.

7. The compensation for a heriot payable on alienation by, as well as on the death of, a tenant, shall be calculated by multiplying the value of the heriot by one half of the number of years' purchase given in the table according to the age of the tenant.

8. The value of a heriot shall be ascertained from the average value of the last three heriots taken or paid in respect of the land enfranchised. If that information cannot be obtained without undue expense the following circumstances shall be taken into account in fixing the value of the heriot, namely, the nature of the heriot, the character and value of the land, the condition in life of the tenant, and whether the heriot can be seized without as well as within the manor.

When Fine or Heriot payable only on one of the Events of Alienation or Death.

9. The table being calculated on the assumption that fines and heriots are payable both on alienation *inter vivos* by a tenant and on his death, when a fine, whether arbitrary or certain, or a heriot, is payable only on one of those events, then only one half of the compensation calculated as previously directed shall be given.

When Fine or Heriot payable on Death of Lord.

10. In manors in which fines or heriots are payable on the death of the lord, as well as on alienation by, or on the death of, a tenant, the compensation on the extinguishment of manorial incidents shall be increased according to the nature and amount of the customary fine or heriot payable in the manor on the death of the lord.

Quit Rents and other Annual Payments.

11. The compensation for quit rents, free rents, and other annual rents, services, or payments, shall be calculated at 20 years' purchase.

Timber.

12. Compensation for timber shall be ascertained as follows:—Where by a special custom of the manor the lord can enter upon the land, and cut and carry away the timber without the consent of the tenant, its whole value, after making a sufficient allowance for repairs, shall be given to the lord. But where there is no special custom, so that the ordinary law of copyholds is applicable and therefore the lord cannot enter and cut without the consent of the tenant, one half only of its value, after making a sufficient allowance for repairs, shall be given. If there be any other special custom in the manor relating to timber, such custom shall be regarded.

Other Incidents.

13. The compensation for all incidents of copyhold tenure extinguished or not saved by virtue of this Act and not otherwise provided for shall be 20 per cent. of the annual value of the land ascertained as provided in paragraphs 3 and 4.

This paragraph extends to forfeitures, whether or not for the conveyance or attempted conveyance of an estate of freehold in the land or for alienation without licence by way of sale, lease, mortgage, or otherwise:

Provided that, where by the custom of the manor the tenant has an unrestricted right of demising and otherwise dealing with the land without the licence of the lord, no compensation shall be payable under this paragraph unless the Minister otherwise determines; and where the unrestricted right relates to part only of the land the compensation shall be adjusted accordingly.

Perpetually Renewable Copyholds.

14. In the case of perpetually renewable copyhold land the compensation for the extinguishment of the manorial

incidents payable on renewal shall be 20 years purchase of the yearly rent (including additional rent) which would have been payable under the 15th Schedule to this Act if that Schedule were applicable, and until the incidents are extinguished the said rent (including as aforesaid) shall be payable as a quit or free rent in respect of the land, and except in so far as the same shall have been paid shall be added to the compensation.

Escheat and other Rights reserved.

15. The right of escheat being abolished for the benefit of the Crown, or the Duchy of Lancaster or the Duke of Cornwall, its value is not to be taken into consideration.

If any rights reserved to the lord by the Twelfth Schedule to this Act are acquired by the tenant, the amount of the compensation therefor shall be ascertained by agreement.

When Land held by joint Tenants or on behalf of Tenants in common.

16. In the case of an extinguishment of manorial incidents by joint tenants, the compensation for fines, and heriots, if any, shall be based upon such a single life as may be equivalent to the expectation of survivorship of the joint lives according to the rules and tables appended to the Succession Duty Act, 1853. This provision shall apply to an extinguishment of manorial incidents by trustees for sale (whose expectation of survivorship shall be taken into account) on behalf of persons interested as co-parceners or tenants in common in the net proceeds of sale.

Interest.

17. Interest shall be payable half-yearly on the amount of the compensation at the rate of five and a half pounds per cent. per annum from the date of the agreement or notice requiring the ascertainment of the compensation to the date of payment of the compensation, unless the compensation is paid by way of an annual terminable rentcharge under this Act.

Date of Computation.

18. The value of any matter to be taken into account in ascertaining the compensation payable shall be calculated as at the date of the extinguishment.

TABLE REFERRED TO IN THE FOREGOING SCHEDULE, PROVIDING A SCALE OF COMPENSATION FOR EXTINGUISHMENT OF MANORIAL INCIDENTS.

Age of Tenant.	Number of Years' Purchase.	Age of Tenant.	Number of Years' Purchase.	Age of Tenant.	Number of Years' Purchase.
5 or under	1·06	38	2·00	72	3·31
		39	2·03	73	3·35
		40	2·07	74	3·38
6	1·09	41	2·10	75	3·41
7	1·11	42	2·14	76	3·45
8	1·14	43	2·17	77	3·48
9	1·16	44	2·21	78	3·51
10	1·19	45	2·25	79	3·54
11	1·21	46	2·29	80	3·56
12	1·24	47	2·33	81	3·59
13	1·26	48	2·36	82	3·62
14	1·29	49	2·40	83	3·64
15	1·31	50	2·44	84	3·67
16	1·34	51	2·48	85	3·69
17	1·37	52	2·52	86	3·71
18	1·39	53	2·56	87	3·73
19	1·42	54	2·60	88	3·75
20	1·45	55	2·65	89	3·77
21	1·48	56	2·69	90	3·79
22	1·51	57	2·73	91	3·80
23	1·53	58	2·77	92	3·82
24	1·56	59	2·81	93	3·83
25	1·59	60	2·85	94	3·85
26	1·62	61	2·89	95	3·86
27	1·65	62	2·93	96	3·87
28	1·68	63	2·97	97	3·89
29	1·71	64	3·01	98	3·90
30	1·74	65	3·05	99	3·91
31	1·77	66	3·09	100	3·92
32	1·80	67	3·13	101	3·93
33	1·83	68	3·17	102	3·94
34	1·86	69	3·20	103 or upwards	3·96
35	1·90	70	3·24		
36	1·93	71	3·28		
37	1·96				

In constructing this Table a fine arbitrary on admission has been taken as based on two years' annual value, and whilst the average fine interval has been assumed to be 14 years, regard has been had to the age of the tenant.

Where the enfranchised land is by this Act made to vest in a corporation the same compensation shall be payable as if 40 years were the age of the tenant.

Section 139.

FOURTEENTH SCHEDULE.

SCALE OF STEWARD'S COMPENSATION FOR LOSS OF OFFICE.

In fine arbitrary cases.	In fine certain cases.	Amount of compensation to the steward.
Where the compensation to the Lord—	Where the compensation to the Lord—	£ s. d.
Does not exceed 1*l.* -	Does not exceed 12*s.* -	0 7 6
Exceeds 1*l.* but does not exceed 5*l.*	Exceeds 12*s.* but does not exceed 3*l.*	0 15 0
Exceeds 5*l.* but does not exceed 10*l.*	Exceeds 3*l.* but does not exceed 6*l.*	1 10 0
Exceeds 10*l.* but does not exceed 15*l.*	Exceeds 6*l.* but does not exceed 9*l.*	3 0 0
Exceeds 15*l.* but does not exceed 20*l.*	Exceeds 9*l.* but does not exceed 12*l.*	4 10 0
Exceeds 20*l.* but does not exceed 25*l.*	Exceeds 12*l.* but does not exceed 15*l.*	6 0 0
Exceeds 25*l.* but does not exceed 50*l.*	Exceeds 15*l.* but does not exceed 30*l.*	9 0 0
Exceeds 50*l.* but does not exceed 100*l.*	Exceeds 30*l.* but does not exceed 60*l.*	10 10 0
For every additional 25*l.* or fractional part of 25*l.* over and above the first 100*l.*	For every additional 15*l.* or fractional part of 15*l.* over and above the first 60*l.*	0 7 6

1. A steward appointed after the passing of this Act shall not be entitled to compensation for loss of office.

2. Where the compensation agreement, or notice to ascertain the compensation, relates to more than one tenement, the steward's compensation shall be calculated on the amount of the compensation payable to the lord under the agreement or notice.

3. The remuneration of solicitors in connexion with the extinguishment of manorial incidents shall from time to time be prescribed and regulated by general orders made by the Committee in England constituted or nominated under section two of the Solicitors Remuneration Act, 1881, and that the

Act shall apply accordingly, and, if any dispute arises as to costs or expenses, the same shall be taxed by the registrar of the county court.

4. Where the lord is a solicitor, he shall, if he acts for himself, be entitled to costs and expenses in place of the steward, but (there being no steward) not to any steward's compensation unless otherwise agreed.

FIFTEENTH SCHEDULE.

Section 145.

PROVISIONS RELATING TO PERPETUALLY RENEWABLE LEASES AND UNDERLEASES.

Conversion of perpetually renewable leases into long terms.

1.—(1) Land comprised in a perpetually renewable lease which was subsisting at the commencement of this Act shall, by virtue of this Act, vest in the person who at such commencement was entitled to such lease, for a term of two thousand years, to be calculated from the date at which the existing term or interest commenced, at the rent and subject to the lessees' covenants and conditions (if any) which under the lease would have been payable or enforceable during the subsistence of such term or interest.

(2) The rent, covenants and conditions (if any) shall (subject to the express provisions of this Act to the contrary) be payable and enforceable during the subsistence of the term created by this Act; and that term shall take effect in substitution for the term or interest created by the lease, and be subject to the like power of re-entry (if any) and other provisions which affected the term or interest created by the lease, but without any right of renewal.

Conversion of perpetually renewable underleases into long terms.

2.—(1) Land comprised in any underlease, which at the commencement of this Act was perpetually renewable and was derived out of a head term affected by this Act, shall, by virtue of this Act, vest in the person who at such commencement was entitled to the subterm or interest for a term of two thousand years less one day, to be calculated from the date at which the head term created by this Act commenced, at the rent and subject to the underlessee's covenants and conditions (if any) which under the underlease would have been payable or enforceable during the subsistence of such subterm or interest.

(2) The rent, covenants and conditions (if any) shall (subject to the express provisions of this Act to the contrary) be payable and enforceable during the subsistence of the subterm created by this Act; and that subterm shall take effect in

substitution for the subterm or interest created by the underlease, and be subject to the like power of re-entry (if any) and other provisions which affected the subterm or interest created by the underlease, but without any right of renewal.

(3) The foregoing provisions of this section shall also apply to any perpetually renewable subterm or interest which, at the commencement of this Act, was derived out of any other subterm or interest, but so that in every case the subterm created by this Act shall be one day less in duration than the derivative term created by this Act, out of which it takes effect.

Incidence of equities, incumbrances, and subterms.

3.—(1) Every term or subterm created by this Part of this Act shall be subject to all the same trusts, powers, executory limitations over, rights and equities (if any), and to all the same incumbrances and obligations of every kind, as the term, subterm, or other interest which it replaces would have been subject to if this Part of this Act had not been passed, but without prejudice to the provisions of Part I. of this Act, and where an infant is entitled, the person, of full age, who by virtue of that part of this Act, becomes entitled to the legal estate of the infant shall be deemed to have been entitled to the said lease, subterm or interest at the commencement of this Act.

(2) Where any subterm or interest, subsisting at the commencement of this Act, was derived out of a lease or underlease affected by this Act, but was not perpetually renewable, the same shall be deemed to take effect out of the term created by this Act or out of any derivative subterm so created, as the case may require.

Title acquired and stamps.

4.—(1) This Part of this Act shall not operate to confer any better title to any term or subterm hereby created than the title to the perpetually renewable term, subterm, or interest which it replaces.

(2) This Act shall not render any lease or instrument which has been duly stamped according to the law in force at its date, liable to be further stamped, nor shall any stamp duty be payable by reason only of the creation by this Act of any term or subterm.

Dispositions purporting to create perpetually renewable leaseholds.

5. A grant, after the commencement of this Act, of a term, subterm, or other leasehold interest with a covenant or obligation for perpetual renewal, which would have been valid if this Part of this Act had not been passed, shall (subject to the express provisions of this Act) take effect as a demise for a term of two thousand years or in the case of a subdemise for a term less in duration by one day than the term out of which it is derived, to commence from the date fixed for the commencement of the term, subterm, or other interest, and in

every case free from any obligation for renewal or for payment of any fines, fees, costs, or other money in respect of renewal.

Satisfaction of existing contracts to grant perpetually renewable interests.

6.—(1) Any obligation in force at the commencement of this Act for the grant (otherwise than by way of renewal) of a lease, subterm, or other leasehold interest with a covenant or obligation for perpetual renewal shall be deemed to be an obligation for the grant of a lease for a term of two thousand years, or, in the case of an underlease, for a term less in duration by one day than the term out of which it is to be derived, but the amount of the rent to be paid shall, if necessary, be adjusted, having regard to the loss of fines and other payments (if any) which would have been payable on renewal.

(2) In case any dispute arises respecting the adjustment of the rent, the matter shall be submitted to the Minister for determination, in the manner provided by this Act.

Future contracts for renewal and as to leases for lives.

7.—(1) Any contract entered into after the commencement of this Act, for the grant of a lease, subterm, or other leasehold interest with a covenant or obligation for perpetual renewal shall (subject to the express provisions of this Part of this Act) operate as an agreement for a demise for a term of two thousand years, or in the case of a contract for a subdemise, for a term less in duration by one day than the term out of which it is derived, to commence from the date agreed for the commencement of the term, subterm or other interest, and in every case free from the obligation for renewal or for payment of any fines, fees, costs or other money in respect of renewal.

(2) Any contract entered into after such commencement for the renewal of a lease or underlease for a term exceeding sixty years from the termination of the lease or underlease, and whether or not contained in the lease or underlease, shall (subject to the express provisions of this Part of this Act) be void.

(3) Any lease or underlease, at a rent, or in consideration of a fine, for life or lives or for any term of years determinable with life or lives, or on the marriage of the lessee, or any contract therefor, made before or after the commencement of this Act, or created by virtue of Part V. of this Act, shall take effect as a lease, underlease or contract therefor, for a term of ninety years determinable after the death or marriage (as the case may be) of the original lessee, or of the survivor of the original lessees, by at least one month's notice in writing given to determine the same on one of the quarter days applicable to the tenancy, either by the lessor or the persons deriving title under him to the person entitled to the leasehold interest, or if no such person is in existence by affixing the same to the premises, or by the lessee or other persons in whom the leasehold interest is vested to the lessor or

the persons deriving title under him; but this subsection does not apply to any term taking effect in equity under a settlement or created out of an equitable interest under a settlement for mortgage indemnity or other like purposes. The person in whom the leasehold interest is vested by virtue of Part V. of this Act shall, for the purposes of this subsection, be deemed an original lessee:

Provided that, if the lease, underlease, or contract therefor is made determinable on the dropping of the lives of persons other than or besides the lessees, then the notice shall be capable of being served after the death of any person or of the survivor of any persons (whether or not including the lessees) on the cesser of whose life or lives the lease, underlease, or contract is made determinable, instead of after the death of the original lessee or of the survivor of the original lessees.

Effect of powers to grant renewable leases.

8.—(1) Every power conferred by custom or contained in a statute (except as hereinafter mentioned) or other instrument authorising a tenant for life of full age, statutory owner, trustee, or other person to grant a lease or underlease with a covenant or obligation for perpetual renewal, shall have effect, in regard to any grant made after the commencement of this Act, as if the same authorised the grant of a lease or underlease for a term not exceeding two thousand years at the best rent that can be reasonably obtained, having regard to any fine which may be taken and to all the circumstances of the case, or, if the power authorises a grant at a peppercorn rent or other rent less than the best rent, then at any rent so authorised.

(2) Every power to grant a lease or underlease at a rent or in consideration of a fine for life or lives, or for any term of years determinable with life or lives or on the marriage of any person, shall have effect in regard to any grant made after the commencement of this Act, as if the same authorised the grant of a lease or underlease for a term not exceeding ninety years determinable after the death or marriage (as the case may be) of the original lessee or of the survivor of the original lessees by at least one month's notice in writing given to determine the same on one of the usual quarter days, either by the lessor or the persons deriving title under him to the person entitled to the leasehold interest, or by the lessee or other persons in whom the leasehold interest is vested to the lessor or the persons deriving title under him.

Saving of rights and powers under 8 Edw. 7. c. 36.

9. Nothing in this Act shall prejudicially affect any right of renewal conferred by section forty-four of the Small Holdings and Allotments Act, 1908, or the power conferred by section forty of that Act, to grant leases for the purposes of that Act, with a similar right of renewal.

Powers and covenants implied in leases and underleases affected.

10.—(1) Every lease or underlease which, by virtue of this Part of this Act, takes effect for a term of two thousand years or for a derivative term of two thousand years less one or more days (as the case may require) shall be deemed to contain—

(i) A power (exerciseable only with the consent of the persons, if any, interested in any derivative interest which might be prejudicially affected) for the lessee or underlessee by giving notice in writing to the lessor at least ten days before the lease or underlease would (but for this Act) have expired if it had not been renewed after the commencement of this Act, to determine the lease or underlease at the date on which (but for this Act) it would have expired if it had not been renewed as aforesaid;

Also a like power (exerciseable with the like consent if any) to determine subsequently by notice as aforesaid the lease or underlease at the time at which, if this Act had not been passed and all renewals had in the meantime been made in due course, the lease or underlease would have expired if it had not been further renewed after the date of the notice:

Provided that if any such notice be given all uncommuted additional rent attributable to a fine or other money which, if this Act had not been passed, would have been payable on a renewal made after the date of the notice, shall not become payable:

(ii) A covenant by the lessee or underlessee to register every assignment or devolution of the term or subterm, including all probates or letters of administration affecting the same, with the lessor or his solicitor or agent, within six months from the date of the assignment, devolution, or grant of probate or letters of administration, and to pay a fee of one guinea (which shall be accepted in satisfaction of all costs) in respect of each registration; and the covenant so deemed to be contained shall be in substitution for any express covenant to register with the lessor or his solicitor or agent, assignments or devolutions of the term or subterm, and to pay fees or costs in respect of such registration:

(iii) A covenant by the lessee or underlessee within one year from the commencement of this Act to produce his lease or underlease or sufficient evidence thereof (including an assignment of part of the land comprised in the lease or underlease) with any particulars required to show that a perpetual right of renewal was subsisting at the commencement of this Act, to the lessor or his solicitor or agent, who shall, subject to the payment of his costs, if the right

of renewal is admitted or proved, endorse notice of that fact on the lease, underlease, assignment, or copy thereof, at the expense of the lessee or underlessee; and such endorsement signed by or on behalf of the lessor shall, in favour of a purchaser, be sufficient evidence that the right of renewal was subsisting as aforesaid, either in respect of the whole or part of the land as the case may require:

and the power of re-entry (if any) contained in the lease or underlease shall apply and extend to the breach of every covenant deemed to be contained as aforesaid.

(2) If any dispute arises respecting the date on which a notice is authorised to be served by this section, or whether or not a lease or underlease or assignment or a copy thereof ought to be endorsed as aforesaid, the matter shall be submitted to the Minister for determination in the manner provided by this Act.

Liability of lessees and underlessees.

11.—(1) In the case of every term or subterm created by this Act or under any power conferred by this Part of this Act, each lessee or underlessee, although he may be the original lessee or underlessee, and notwithstanding any stipulation to the contrary, shall be liable only for rent accruing and for breaches of covenants or conditions occurring while he or his personal representatives shall have the term or subterm vested in him or them, and in like manner, as respects an original lessee or underlessee, as if the term or subterm had, immediately after its creation, been assigned to him.

(2) Nothing in this Part of this Act shall affect the liability of any person in respect of rent accruing or the breach of any covenant or condition occurring before the commencement of this Act.

Conversion of fines into additional rent.

12.—(1) Where, under the lease, underlease, or otherwise, any fine or other money, including a heriot, is payable by the lessee or underlessee on renewal, then and in every such case the like amount as would have been payable if this Act had not been passed and the lease or underlease or all successive leases or underleases have been renewed in due course shall, save as in this Act provided and unless commuted, become payable to the lessor as additional rent, during the subsistence of the term or subterm created by this Act, by as nearly as may be equal yearly instalments the first instalment to be paid at the end of one year from the commencement of this Act; but no sums payable for costs of examination of the lessee's or underlessee's title or of granting a new lease or underlease or of any other work which is rendered unnecessary by this Act shall be taken into account in ascertaining the additional rent.

(2) Where the lessee or underlessee was entitled to renew at different times and the amount payable on renewal varied according to the time selected for renewal under a sliding scale

or otherwise, then for the purpose of ascertaining the amount of the annual instalments of additional rent the fines and other payments shall be deemed to have been payable on the last day on which the lessee or underlessee would have been entitled to renew the lease or underlease if it had remained renewable, regard being had to the date of the last renewal.

(3) But where the time at or within which the said fine or other money must be paid is not definitely fixed by or ascertainable from the lease or underlease the same shall, for the purpose of ascertaining the amount of the annual instalments of additional rent, be deemed to have been payable on such date as may, within one year from the commencement of this Act, be agreed between the lessor and the lessee or underlessee and, in default of such agreement, as may be fixed by the Minister.

(4) The additional rent shall be deemed part of the rent reserved by the lease or underlease for all purposes, including any covenant for payment of rent or proviso for re-entry contained in the lease or underlease.

(5) Subject to any order by the Minister or the court to the contrary, and in default of agreement, the amount of each annual instalment of additional rent shall be ascertained by dividing the aggregate amount payable by the lessee or underlessee on renewal by the number of years which represents the interval or average interval occurring between the dates of renewal.

(6) If the lessee or underlessee is liable to forfeit his right of renewal if he makes default in payment of a fine or other money or in doing any other act or thing within a time ascertainable by the dropping of a life, but not otherwise, then five per cent. of the annual value of the land (ascertained as provided by this Act in the case of enfranchised land for the extinguishment of manorial incidents) shall be treated as added to the fines and other money payable by the lessee or underlessee on renewal for the purpose of ascertaining the amount of the annual instalment of additional rent, and as compensation to the lessor for loss of his right of re-entry (present or future) which would have accrued by reason of any failure to exercise the right of renewal.

Interest on fines.

13.—(1) Where, under the lease or underlease, any unpaid fine or other money payable on a renewal carries interest, then any annual instalment of additional rent payable in lieu thereof shall, until paid, carry interest from the date on which the instalment becomes payable, and at the same rate at which such interest would have been payable if this Act had not been passed.

(2) Where the lease or underlease does not provide for payment of such interest, then each annual instalment of additional rent shall, until paid, carry interest at the current rate from the time when demand in writing is made claiming the money.

Provisions respecting commutation of additional rent and other matters.

14.—(1) The lessor and lessee or underlessee may agree—

(*a*) For the commutation or discharge of any claims in respect of additional rent;

(*b*) The amount (if any) of the annual instalments of additional rent payable;

(*c*) The dates for payment of additional rent;

(*d*) The interval or average interval between dates of renewal;

(*e*) The dates on which the lessee or underlessee has power under this Act to determine the lease or underlease;

(*f*) The amount of the rent (including the annual instalments of additional rent) to be apportioned in respect of any part of the land comprised in the lease or underlease, and thereupon the lessee's or underlessee's covenants shall be apportioned in regard to the land to which the apportionment relates.

(2) A statement in writing respecting any such agreement, which is endorsed on any such lease or underlease, or the counterpart or assignment, and signed by the lessor and lessee or underlessee, shall be conclusive evidence of the matters stated, and the costs of and incidental to the agreement and any negotiations therefor shall be borne by the lessee or underlessee.

(3) The additional rent may, by such endorsement, be made payable by instalments at the times at which the original rent is made payable or otherwise.

Compensation of lessor's agents.

15. Any claims for compensation by any officer, solicitor, or other agent of the lessor in respect of fees or remuneration (not being remuneration attributable to work rendered unnecessary by this Act) which would have been payable by the lessee or underlessee on any renewal, if this Act had not been passed, shall be treated as part of the fines or other money payable to the lessor and be discharged out of the additional rent or commutation money or otherwise by the lessor, and the lessee or underlessee shall not otherwise be concerned therewith.

Disputes to be submitted to the Minister.

16.—(1) If the lessor and lessee or underlessee or the lessor's agent (as the case may require) do not agree, or any dispute arises as to the amount or date for payment of any annual instalment of additional rent, or the amount for which the same ought to be commuted, or the amount at which any rent ought to be adjusted, or apportioned, or the amount of compensation (if any) payable by the lessor to his officer, solicitor or other agent, the question or dispute shall be submitted to the Minister for determination, when the parties may be represented by solicitors or counsel, and the award of the Minister shall (subject only to such appeal to the court as may be prescribed by rules of court) be final.

(2) The Minister may issue regulations in respect of any of the matters aforesaid, and determine by whom and in what proportions the cost of any application to the Minister shall be paid.

(3) If a dispute as to the amount for which any annual instalment of additional rent ought to be commuted is submitted to the Minister, and if the lessor would (under the lease or under lease subsisting at the commencement of this Act, or any lease or underlease which would have been subsisting if this Act had not been passed and the successive renewable leases or underleases had been renewed in the ordinary course) have had a right to refuse renewal by reason of a default in payment of a fine, then the Minister shall, in the arbitration, have regard to the value of such right (unless compensation has been given for the loss of the right) in like manner as if a corresponding absolute right to determine the term or subterm created by this Act had, by reason of a corresponding default, been made exerciseable by the lessor at the time at which the renewable lease or underlease would have expired if the lessor had lawfully refused to renew it.

Power to raise and apply capital for commuting additional rent.

17.—(1) A power authorising a tenant for life of full age, statutory owner, trustee, or other person to apply or direct the application of or raise any money for or in the discharge of the costs, fines, and other sums payable on the renewal of any such lease or underlease shall be deemed to authorise the payment, application, or raising of money for the commutation of any additional rent made payable by this Act.

(2) Out of the money so applicable or raiseable, the lessor may discharge any compensation payable to his officer, solicitor, or other agent.

(3) If the reversion is settled land, or held on trust for sale, any commutation money shall be treated as capital money or proceeds of sale arising from such land (as the case may require).

(4) If the land comprised in the lease or underlease is settled land or held on trust for sale, the commutation money may be paid out of capital money or personal estate (not being chattels real) held on the same trusts as the land.

Notices.

18. The provisions of section sixty-seven of the Conveyancing Act, 1881, shall apply to any notice required or authorised to be given under this Part of this Act or under any provision implied by this Part of this Act.

Registered leases and underleases.

19. Where any lease or underlease to which this Part of this Act applies is registered under the Land Transfer Acts, effect shall be given to the provisions of this Act by making such alterations in the register as may be prescribed under those Acts.

Office copies and searches.

20.—(1) The original or counterpart of any lease or underlease or assignment to which this Part of this Act applies may be deposited at the Central Office of the Supreme Court.

(2) A separate file of instruments so deposited shall be kept, and any person who furnishes the prescribed evidence to show that he has a sufficient interest in the lease or underlease or reversion expectant thereon may search that file and inspect the lease or underlease or counterpart or assignment, and an office copy thereof shall be delivered to him at his request.

(3) A copy of an instrument so deposited, with any plan or endorsements thereon, may be presented at any time at the Central Office, and, if found correct, may be stamped as an office copy, and when so stamped shall become and be an office copy.

(4) An office copy of the instrument so deposited with the plan and endorsements (if any) shall without further proof be sufficient evidence of the contents of the instrument, plan, and endorsements (if any), and of the deposit thereof at the Central Office.

(5) Where an instrument so deposited has perished or become undecipherable, an office copy thereof may be similarly deposited, and office copies thereof may be issued in lieu of office copies of the original, and the provisions of this section shall apply thereto as if office copies so issued were office copies of the original instrument.

(6) General rules may be made for the purposes of this section prescribing the evidence to be furnished before a search is authorised, regulating the practice of the Central Office, and prescribing, with the concurrence of the Treasury, the fees to be taken therein.

Section 166.

SIXTEENTH SCHEDULE.

AMENDMENTS OF THE LAND TRANSFER ACTS.

PART I.

AMENDMENTS AND REPEALS OF THE ACT OF 1875 AS VARIED BY THE ACT OF 1897.

Sections referred to.

1. References to sections in this Part of this Schedule shall be construed as references to sections of the Act of 1875 unless the contrary is stated.

Definitions.

2.—(1) Section two is hereby repealed.

(2) In the Acts, unless the context otherwise requires,—

Words defined in Law of Property Act, 1922.

"Legal estate," "term of years absolute," "land," "mines and minerals," "tenant for life of full age," "statutory owner," "settled land," "settlement," "vesting deed," "vesting order," "vesting assent," "vesting instrument," "trust deed," "trustees of

the settlement," "personal representative," "capital money," "trust for sale," "trustees for sale," "defective," "instrument," "charge by way of legal mortgage," "Gazette," "possession," "income," "court," "death duty," "local land charge," and "manorial incidents" have the same meanings as in the Law of Property Act, 1922;

Settled Land Acts.

"Settled Land Acts" mean the Settled Land Acts, 1882 to 1922, or any Act amending or consolidating the same;

Proprietor.

"Proprietor" means the registered proprietor for the time being of land or a charge;

Registered land.

"Registered land" includes any easement, right, privilege, or benefit which is appurtenant or appendant thereto, and any mines and minerals within or under the same and held therewith;

Registered estate and charge.

"Registered estate," in reference to land, means the legal estate, or other registered interest (if any) for the time being held by the person who is registered as proprietor of the land, and a "registered charge" includes a mortgage or incumbrance registered as a charge;

Overriding interests.

"Overriding interests" mean all the incumbrances, interests, rights, and powers (except minor interests protected on the register) which by the Acts are made paramount to the registered estate and subject to which registered dispositions are to take effect, and include the matters which are by section eighteen (as amended) or otherwise declared not to be incumbrances;

Minor interests.

"Minor interests" mean the interests not capable of being disposed of or created by registered dispositions but capable of being overridden by the proprietor unless protected as provided by the Acts; and include all the interests and powers which in the case of land held on trust for sale are under Part I. of the Law of Property Act, 1922, capable of being overridden by the trustees for sale, and in the case of settled land are, under that Act and the Settled Land Acts, capable of being overridden by the tenant for life of full age or statutory owner, as well as all rights and interests which are not registered, or protected on the register, and are not overriding interests;

Registered dispositions.

"Registered dispositions" mean dispositions which take effect under the powers conferred on the registered proprietor of the land or of a charge by way of transfer, charge, mortgage or otherwise and to which (when required to be registered) special effect is given by the Acts on registration;

Purchaser. "Purchaser" includes a lessee, mortgagee, or other person who for valuable consideration acquires any interest in land or in any charge on land;

Valuable consideration. "Valuable consideration" includes marriage, but does not include a nominal consideration in money;

Lease. "Lease" includes any tenancy or agreement for a lease or tenancy;

Limitation Acts. "The Limitation Acts" mean the Real Property Limitation Acts, 1833, 1837 and 1874, and any Act amending the same;

Escheat. References to the Crown's right to "escheat" shall be construed as referring to "bona vacantia."

(3) The definition relating to "Courts," and the reference to the meaning of "land" (as amended by the Act of 1897) in section four are repealed.

Application for registration by intending purchasers and as to examination of title.

3.—(1) Notwithstanding anything contained in sections five, eleven and sixty-eight, a person who has merely contracted to buy land shall not be entitled to apply for registration.

(2) If on an application for registration with possessory title, the registrar is satisfied as to the title he may register it as absolute or good leasehold, whether the applicant consents to such registration or not, but in that case no higher fee shall be charged than would have been charged for registration with possessory title.

Application for registration of leaseholds.

4.—(1) In section eleven, subsection (1), the words "for a life or lives, or determinable on a life or lives, or" are hereby repealed.

(2) The amendment of section eleven contained in the Act of 1897 shall only apply where a right of redemption is subsisting in the mortgage term; but where on an application to register a mortgage term, it appears that the applicant is entitled in equity to the superior term (if any) out of which it was created, the registrar shall (except where the mortgage term does not comprise the whole of the land included in the superior term unless in that case the rent, if any, payable in respect of the superior term has been apportioned, or the rent is of no money value or no rent is reserved, and unless the covenants (if any) entered into for the benefit of the reversion have been apportioned (either expressly or by implication) as respects the land comprised in the mortgage term) register him as proprietor of the superior term without any entry to the effect that the legal interest in that term is outstanding, and on such registration the superior term shall vest in the proprietor and the mortgage term shall merge therein.

(3) Sections twelve, fourteen, fifteen, and sixteen are hereby repealed.

Overriding interests.

5.—(1) The words "succession duty" in subsection (2) of section eighteen and the words "estate duty" in the amend-

ment of section eighteen in the First Schedule to the Act of 1897 are hereby repealed.

(2) Subsections (4) and (5) of section eighteen, with the amendment of those subsections contained in the First Schedule to the Act of 1897, are hereby repealed, but only as respects land registered after the commencement of this Act.

(3) The following provisions shall be substituted for subsections (4) and (5) of section eighteen, namely:—

(i) The rights of every person in actual occupation of the land or in receipt of the rents and profits thereof:

(ii) In the case of a possessory, qualified, or good leasehold title, all estates, rights, interests, and powers excepted from the effect of registration:

(iii) All rights under local land charges, unless and until registered or protected on the register in the prescribed manner.

(4) The provisoes (*b*), (*c*), and (*d*) of section eighteen (including the last paragraph of section eighteen) are hereby repealed, together with the amendment thereof relating to entry of notice of the matters in subsections (4) and (5), and of rights of re-entry and reverter, and of registration of easements, contained in the First Schedule to the Act of 1897.

(5) In subsection (7) of section eighteen the words "granted at a rent without taking a fine" are hereby substituted for the words "in cases where there is an occupation under such tenancies."

(6) The following provisions shall be substituted for the last paragraph of section eighteen:—

(i) Where at the time of first registration any easement, right, privilege, or benefit created by an instrument and appearing on the title adversely affects the land, the registrar shall enter a note thereof on the register:

(ii) Where the existence of any liability, right, or interest mentioned in this section (as amended) is proved to the satisfaction of the registrar or admitted, he may (subject to any prescribed exceptions) enter notice of the same or of a claim thereto on the register, but no claim to an easement, right, or privilege not created by an instrument shall be noted against the title to the servient land if the proprietor of such land (after the prescribed notice is given to him) shows sufficient cause to the contrary.

(7) On a disposition by a mortgagee or other person (by virtue of any interest or power which is an overriding interest) of any estate charge or right in or upon the registered land which is capable of being registered, the registrar shall, if so required, give effect to the disposition on the register.

Determination of incumbrances

6.—(1) The provisions of section twenty shall apply to the notification of the determination (whole or partial) or variation

or registered interests.

of any lease, rentcharge, easement, right, or other interest in land which is noted on the register as an incumbrance, and on the determination of any registered rentcharge or other estate or interest, the registrar shall close the registered title relating thereto.

(2) When a land charge protected by notice has been discharged as to all or any part of the land comprised therein, the notices relating thereto and to all devolutions of and dealings therewith shall be vacated as to the registered land affected by the discharge.

Dispositions of registered freeholds by the proprietors thereof.

7.—(1) Section twenty-nine (relating to transfers by the registered proprietor of freehold land) shall, subject to any entry to the contrary on the register, be deemed (whether the land was registered before or after the commencement of this Act) to authorise—

(*a*) A transfer of the fee simple in possession in the prescribed manner of any mines or minerals apart from the surface; or of the surface without all or any of the mines and minerals; but not an undivided share in the registered land; and

(*b*) A grant of a rentcharge in possession (either perpetual or for a term of years absolute) which sufficiently refers in the prescribed manner to the registered land charged; and

(*c*) A transfer of the fee simple in possession of the registered land in the prescribed manner, subject to the creation thereout, by way of reservation to any person of a rentcharge in possession (either perpetual or for a term of years absolute); or of any easement, right, or privilege in possession (either in fee simple or for a term of years absolute); and

(*d*) A transfer or grant in fee simple in possession of any easement, right, or privilege, in, over, or derived from the registered land, which sufficiently refers, in the prescribed manner, to the registered servient tenement and to the dominant tenement, whether being registered land or not; and

(*e*) A lease (subject or not to the reservation of an easement, right, or privilege) of the registered land or any part thereof, or of any mines and minerals apart from the surface, or of the surface without all or any of the mines and minerals (but not of an undivided share in the land), or of an easement, right or privilege, in or over the land for any term of years absolute and for any purpose (but where by way of mortgage subject to the provisions of the Acts and of Part I. of the

Law of Property Act, 1922, relating thereto), and in any form which sufficiently refers, in the prescribed manner, to the registered land.

(2) A perpetual rentcharge in possession may be granted or reserved to any person with or without a power of re-entry, exerciseable at any time, on default of payment thereof, or on breach of covenant, and shall have incidental thereto all the powers and remedies (as varied by the disposition creating the rentcharge) for recovery thereof conferred by section forty-four of the Conveyancing Act, 1881 (as amended by any subsequent enactment), and an easement, right, or privilege may in a registered disposition be reserved to any person for a legal estate, and the reservation shall operate to create the same for the benefit of the land for the benefit of which the right is reserved.

(3) All the interests transferred or created by such dispositions by the registered proprietor shall (subject to the provisions relating to mortgages) be completed by registration in the same manner and with the same effect as provided by the Acts with respect to transfers of registered land (except in the case of leases originally granted for a term not exceeding twenty-one years), and notice thereof shall (except in the case of leases granted for a term not exceeding twenty-one years at a rent without taking a fine) also be noted on the register under section fifty as amended, and every such disposition shall, when registered, take effect as a registered disposition, and a lease made by the registered proprietor under this section which is not required to be registered or noted on the register shall nevertheless take effect as a registered disposition immediately on being granted:

Provided that nothing in this subsection shall render necessary the registration of any easement, right, or privilege except as appurtenant to registered land, or the entry of notice thereof except as against the registered title of the servient land.

(4) A lease for a term, not exceeding twenty-one years, to take effect in possession or within one year from the date thereof, at a rent without taking a fine may be granted and shall take effect under this section notwithstanding that a caution (including a notice of deposit), restriction or inhibition may be subsisting, but subject to the interests intended to be protected by any such caution, restriction or inhibition.

(5) The foregoing powers of disposition shall (subject to the express provisions of the Acts and of Part I. of the Law of Property Act, 1922, relating to mortgages) apply to dispositions by the registered proprietor by way of charge or mort-

gage; but no estate, other than a legal estate shall be capable of being disposed of or created under this section.

(6) In the Acts the expression "transfer" or "disposition," when referring to registered freehold land, shall include any disposition authorised as aforesaid; and "transferee" shall have a corresponding meaning.

Estate of transferee of freeholds with absolute title.

8.—(1) In section thirty (relating to transfers for value) the words "or lease" are hereby inserted after the words "A transfer"; the word "the" is substituted for the word "an" occurring before the words "estate in fee simple" and after the words "in fee simple" shall be inserted the words "or the term of years absolute expressed to be created," and after the words "land transferred" shall be inserted the words "or dealt with," and the words "with all rights, privileges, and appurtenances belonging and appurtenant thereto" shall, subject to any entry to the contrary in the register, be deemed to include the appropriate rights and interests which would, under section six of the Conveyancing Act, 1881, have been transferred if the land had not been registered.

(2) At the end of section thirty the following words are hereby added:—"And the transfer or lease shall operate in "like manner as if the registered transferor or lessor were "(subject as aforesaid) entitled to the registered land in fee "simple in possession for his own benefit."

(3) The amendment (relating to mines and minerals) of section thirty contained in the First Schedule to the Act of 1897 is hereby repealed.

(4) In sections thirty-one, thirty-two, and thirty-three, the words "or lease" in each of those sections are hereby inserted after the words "A transfer."

(5) Rules may be made under section one hundred and eleven (as amended) adapting the provisions of sections thirty to thirty-three inclusive to dispositions (other than transfers and leases) authorised to be effected by the registered proprietor of the land.

Dispositions of registered leaseholds by the registered proprietor.

9.—(1) Section thirty-four (relating to transfers by the registered proprietor of leasehold land) shall, subject to any entry to the contrary on the register, be deemed (whether the land was registered before or after the commencement of this Act) to authorise—

(*a*) A transfer in the prescribed manner of any of the leasehold mines and minerals apart from the surface; or of the surface without all or any of the leasehold mines and minerals; but not an undivided share in the leasehold land; and

(*b*) A transfer reservation or grant (to the extent of the registered leasehold interest) of any rentcharge in possession, easement, right, or privilege in, over, or derived from the leasehold land, which sufficiently refers, in the prescribed manner, to the registered lease, and to the land affected or dominant tenement, whether being registered land or not; and

(*c*) A transfer of the registered land, subject to a reservation to any person of any such rentcharge, easement, right, or privilege; and

(*d*) A subdemise (subject or not to the reservation of an easement, right, or privilege) of the registered land, or any part thereof or of any mines and minerals apart from the surface, or of the surface without all or any of the mines and minerals (but not of an undivided share in the land), or of an easement, right, or privilege, in or over the land, for any term of years absolute of less duration than the registered term and for any purpose (but where by way of mortgage, subject to the provisions of the Acts and of Part I. of the Law of Property Act, 1922, relating thereto) and in any form which sufficiently refers in the prescribed manner, to the registered land, and in the case of an easement, right, or privilege to the dominant tenement, whether being registered land or not.

(2) A disposition of registered leasehold land may be made subject to a rent (whether legally apportioned or not) or to a rent legally apportioned in the prescribed manner.

(3) All the interests transferred or created by such dispositions by the registered proprietor shall (subject to the provisions relating to mortgages) be completed by registration in the same manner and with the same effect as provided by the Acts with respect to transfers of registered leasehold land (except in the case of underleases originally granted for a term not exceeding twenty-one years); and notice thereof shall (except in the case of underleases granted for a term not exceeding twenty-one years at a rent without taking a fine), also be noted on the register under section fifty as amended, and every such disposition shall, when registered, take effect as a registered disposition, and an underlease made by the registered proprietor which is not required to be registered or noted on the register shall nevertheless take effect as a registered disposition immediately on being granted:

Provided that nothing in this subsection shall render necessary the registration of any easement, right, or privilege

except as appurtenant to registered land, or the entry of notice thereof except as against the registered title of the servient land.

(4) An underlease for a term, not exceeding twenty-one years, to take effect in possession or within one year from the date thereof, at a rent without taking a fine, may be granted and shall take effect under this section, notwithstanding that a caution (including a notice of deposit), restriction or inhibition may be subsisting, but subject to the interests intended to be protected by any such caution, restriction or inhibition.

(5) The foregoing powers of disposition shall (subject to the express provisions of the Acts and of Part I. of the Law of Property Act, 1922, relating to mortgages) apply to dispositions by the registered proprietor by way of charge or mortgage, but no estate, other than a term of years absolute, shall be capable of being disposed of or created under this section.

(6) The last paragraph of section thirty-four commencing with the words "upon completion of the registration" to the end of that section is hereby repealed.

(7) In the Acts the expression "transfer" or "disposition" when referring to registered leasehold land shall include any disposition authorised as aforesaid; and "transferee" shall have a corresponding meaning.

Estate of transferee for value of leaseholds with absolute title.

10.—(1) In section thirty-five (relating to transfers for value of leaseholds) after the words "A transfer" the words "or subdemise" are hereby inserted; and after the words "to such land" the words "or for the term created by the subdemise as the case may require" and the words "the possession of" are hereby repealed, and the words "all implied or expressed rights, privileges and appurtenances" shall, subject to any entry to the contrary on the register, be deemed to include the appropriate rights and interests which would under section six of the Conveyancing Act, 1881, have been transferred if the land had not been registered.

(2) At the end of section thirty-five the following words are hereby added: "And the transfer or subdemise shall operate "in like manner as if the registered transferor or sub-lessor "were (subject as aforesaid) absolutely entitled to the registered "lease for his own benefit."

(3) Sections thirty-six and thirty-seven are hereby repealed.

(4) In section thirty-eight after the words "have the same effect as" shall be inserted the words "may be prescribed in the case of."

Transmission on death, and rights of

11.—(1) Section forty-one (relating to transmission on death) is hereby repealed, and provision shall be made by rules

for the manner in which effect is to be given on the register to transmissions on death. husband of female proprietor.

(2) Sections forty-four and forty-five (relating to husbands' rights) as amended by the Act of 1897 are hereby repealed.

12. Section forty-nine (relating to dispositions off the register), with the amendment thereof (relating to severance of mines and minerals from the surface) contained in the First Schedule to the Act of 1897, is hereby repealed, and in lieu thereof the following provisions shall have effect:— Dispositions off the register creating "minor interests."

(1) Any person, whether being the registered proprietor or not, having a sufficient estate, interest, or power in or over registered land, may dispose of, or deal with the same and create any estates, interests, or rights therein which are permissible by law, in like manner and by the like modes of assurance in all respects as if the land were not registered, but subject as provided by this section.

(2) All estates, interests and rights disposed of or created under subsection (1) of this section (whether by the registered proprietor or any other person) shall, subject to the provisions of this section, take effect as minor interests and be capable of being overridden by registered dispositions for valuable consideration.

(3) Minor interests shall, subject to the express exceptions contained in this section, take effect only in equity, but may be protected by entry on the register of such notices, cautions, inhibitions and restrictions as are provided for by the Acts or rules.

(4) A minor interest in registered land subsisting or capable of taking effect at the commencement of this Act shall not fail or become invalid by reason of the same being converted into an equitable interest; but after such commencement a minor interest in registered land shall only be capable of being validly created in any case in which an equivalent equitable interest could have been validly created if the land had not been registered.

(5) If a minor interest subsisting or capable of taking effect at the commencement of this Act, would, if this Act had not been passed have taken effect as a legal interest, then (subject and without prejudice to the estate and powers of the registered proprietor whose estate is affected) the conversion thereof into an equitable interest shall not affect its priority over other minor interests.

(6) Priorities as regards dealings effected after the commencement of this Act, between assignees and incumbrancers of life interests, remainders, reversions and executory interests shall be regulated by the order of the priority cautions or inhibitions lodged (in a specially prescribed form) against the proprietor of the registered estate affected, but, save as aforesaid, priorities as between persons interested in minor interests, shall not be affected by the lodgment of cautions or inhibitions.

(7) Where after the commencement of this Act the proprietor of the legal registered estate which is settled, disposes of or deals with his beneficial interest in possession in favour of a purchaser, and accordingly the minor interest disposed of or created would, but for the restrictions imposed by Part I. of the Law of Property Act, 1922, and this section on the creation of legal interests, have been a legal interest, then the purchaser shall (subject as provided by this section in regard to priorities) have and may exercise all the same rights and remedies as he would have had or have been entitled to exercise had the minor interest been a legal interest, and the reversion (if any) on any leases or tenancies derived out of the registered estate had been vested in him.

(8) A minor interest created under this section shall not operate to prevent a registered estate or interest passing to the personal representative of a deceased registered proprietor, or to the survivors or survivor of two or more joint registered proprietors, nor shall this section affect the right of any person entitled to, or having any power of disposition over any overriding interest to dispose of or deal with the same.

(9) Where by the operation of any statute or statutory or other power, or by virtue of any vesting order of any court or other competent authority, or an order appointing a person to convey, or of a vesting declaration (express or implied) appointment or other assurance, a minor interest in the registered land, being an interest or charge capable of being registered, is disposed of or created, the registered proprietor shall, subject to proper provision being made for payment of costs, be bound to give effect to the disposition, and if the registered proprietor is unable or refuses to make the requisite disposition or cannot be found, or if for any other reason a disposition by him cannot be obtained within a reasonable time, then the registrar shall give effect thereto in the prescribed manner, and

the disposition shall take effect in like manner as nearly as may be as if it had been made by the registered proprietor by a registered disposition:

Provided that—

(*a*) So long as the registered proprietor has power under the Settled Land Acts or any other statute conferring special powers on a tenant for life of full age or statutory owner or under the settlement, to override the minor interest so disposed of or created, no estate or charge shall be registered which would prejudicially affect any such powers:

(*b*) So long as the registered proprietor holds the land on trust for sale, no estate or charge shall be registered in respect of an interest which, under Part I. of the Law of Property Act, 1922, or otherwise, ought to remain liable to be overridden on the execution of the trust for sale:

(*c*) Nothing in this subsection shall impose on a registered proprietor an obligation to make a disposition unless the person requiring the disposition to be made has a right in equity to call for the same:

(*d*) Nothing in this subsection shall prejudicially affect the rights of a personal representative in relation to the administration of the estate of the deceased.

(10) All leases at a rent for a term of years absolute authorised by the powers conferred by the Conveyancing Acts, 1881 to 1922, or the Settled Land Acts, or any other statute (whether or not as extended by any instrument) may be granted in the name and on behalf of the registered proprietor by the person (other than the registered proprietor) empowered to grant the same, and shall be valid at law or in equity (as the case may require), and may be protected by notice on the register, and, if the term originally created exceeds twenty-one years, or is not granted at a rent without taking a fine, shall be registered in like manner and with the same effect as if the lease had been granted by the registered proprietor of the land, and without prejudice to any priority acquired by the exercise of the power; but nothing in this sub-subsection shall authorise any person granting any lease in the name of the registered proprietor to impose (save in regard to the usual qualified covenant for quiet enjoyment) any personal liability on such proprietor.

(11) Provided that where, under the Acts, the registered proprietor is authorised (otherwise than by virtue of this section) to dispose of or create any estate, interest, or right, or otherwise deal with the registered land in the manner required for giving effect to the transaction, then the disposition or dealing by the registered proprietor shall (subject to the express provisions relating to mortgages) not take effect under this section, but shall, for the purposes of the Acts, take effect as a registered disposition, and, when so required, shall be registered or protected as provided by the Acts or rules.

(12) Rules may be made for applying the provisions of this section to the case of minor interests in a debt secured by a registered charge.

Notice of leases, rentcharges, &c.

13.—(1) The last paragraph of section fifty (relating to notices of leases) commencing with the words "is for a life or lives" is hereby repealed and the following paragraph shall be substituted therefor, namely:—

"is not an overriding interest, may apply to the registrar to register notice of such lease or agreement in the prescribed manner, and when so registered, every registered proprietor and the persons deriving title under him (except proprietors of charges or incumbrances registered or protected on the register prior to the registration of such notice, unless such proprietors are, by reason of the lease having been granted under any statutory or other power or by reason of their concurrence or otherwise, bound by the terms of the lease or agreement) shall be deemed to be affected with notice of such lease or agreement, as being an incumbrance on the land in respect of which the notice is entered."

(2) The provisions of sections fifty and fifty-one shall be extended by the rules so as to apply to the registration of notices of or of claims in respect of—

(*a*) The grant or reservation of any rentcharge in possession, either perpetual or for a term of years absolute:

(*b*) The severance of any mines or minerals from the surface, except where the mines and minerals severed are expressly included in the registration:

(*c*) Land charges (not including local land charges, unless application is made to register notice thereof) until the land charge is registered as a registered charge:

(*d*) The rights of any person in the proceeds of sale of land held on trust for sale or in land subject to a

settlement to require that (unless a trust corporation is acting as trustee) there shall be at least two trustees of the disposition on trust for sale or of the settlement:

(*e*) The rights (acquired before the commencement of the Law of Property Act, 1922) of any widow in respect of dower or under the Intestates' Estates Act, 1890, and any right to free bench saved by the said Act of 1922 (which rights shall take effect in equity as minor interests):

(*f*) Creditors' notices and any other right, interest, or claim which it may be deemed expedient to protect by notice instead of by caution, inhibition, or restriction.

(3) Provided that a notice shall not (except pending the appointment of trustees of a disposition on trust for sale or a settlement) be registered in respect of any estate, right, or interest which (independently of the Acts) is capable of being overridden by the registered proprietor under the trust for sale or the powers of the Settled Land Acts or any other statute, or of a settlement, and of being protected by a restriction in the prescribed manner; and a notice lodged pending the appointment of trustees of a disposition on trust for sale or a settlement shall be cancelled if and when the appointment is made and the proper restriction (if any) is entered.

(4) Provided also that a notice shall not be registered in respect of a right interest or claim so as to affect prejudicially:

(*a*) The powers of disposition of the personal representative of the deceased under whose will or by the operation of whose intestacy the right, interest, or claim arose; or

(*b*) The powers of disposition (independently of the Acts) of a registered proprietor holding the land on trust for sale.

(5) A disposition by the registered proprietor shall take effect subject to all estates, rights, and claims which are protected by way of notice on the register at the date of the registration or entry of notice of the disposition, but only if and so far as such estates, rights, and claims may be valid and are not (independently of the Acts) capable of being overridden.

(6) Where notice of a claim is entered on the register, such entry shall operate by way of notice only, and shall not operate to render valid such claim whether made adversely to or for the benefit of the registered land or charge.

(7) Section fifty-two (relating to dower and curtesy) is hereby repealed.

Cautions against registered dealings.

14.—(1) The following provision shall be substituted for the provision at the end of section fifty-three (relating to cautions), namely :—

"Provided that a person whose estate, right, interest, or claim has been registered or protected by a notice or restriction shall not be entitled (except with the consent of the registrar) to lodge a caution in respect of such estate, right, interest, or claim, but this provision shall not operate to prevent an incumbrancer or assignee of a life interest, remainder, reversion or executory interest, from lodging a priority caution in a specially prescribed form."

(2) A caution lodged under section fifty-three shall be supported by such evidence as may be prescribed, and the personal representative of a deceased cautioner may consent or object to a dealing in the same manner as the cautioner; and the second paragraph of section fifty-three is hereby repealed.

(3) Where a caution is lodged under section fifty-three notice thereunder shall be given of any intended entry on the register for protecting any deposit or other dealing by the registered proprietor, as well as of any intended registered disposition.

Power to place restrictions on the register.

15.—(1) Restrictions on disposing of or dealing with the registered land or charge in any manner in which by the Acts the registered proprietor is authorised to dispose of or deal with the same, or in reference to the deposit of any certificate by way of security, may, under section fifty-eight, be placed on the register in the prescribed manner.

(2) Restrictions placed on the register under section fifty-eight shall not extend or apply to dispositions of or dealings with minor interests.

(3) The court may, in lieu of an inhibition, order a notice or restriction to be placed on the register.

Caution against first registration of land.

16. Where a caution is lodged under section sixty the personal representative of the deceased cautioner may consent or object to registration in the same manner as the cautioner.

Notice of manorial incidents.

17. Where land is affected by manorial incidents, the registrar may enter a note of that fact on the register, and may cancel such note when the extinguishment of the manorial incidents has been proved.

As to settled land and land held on trust for sale and as to part owners.

18.—(1) Where the land is settled and, but for the Law of Property Act, 1922, a power of sale would be vested in trustees, the provisions of the Acts relating to the registration of settled land shall apply in substitution for the provisions of section sixty-eight (which section is hereby repealed), and where land

is subject to a trust for sale express or implied (whether or not there is power to postpone the sale) the trustees for sale shall be registered as proprietors of the land.

(2) Section sixty-nine (relating to part owners) is hereby repealed.

Facts and documents to be disclosed.

19. The words "the vendor and his solicitor in cases where "the applicant is a person who has contracted to buy such "land, and in all other cases" in section seventy are hereby repealed.

Enactments as to notice, writs, orders deeds of arrangement, and land charges.

20.—(1) At the end of subsection (1) of section eighty-three (as enacted by the Act of 1897) relating to trusts, the following words shall be added, namely:—

"And (subject to the provisions of the Acts relating to fraud) a purchaser acquiring title under a registered disposition shall not be concerned with any lis pendens, annuity, writ, order, deed of arrangement, matter, or claim (not being an overriding interest) which is not protected by an entry on the register, whether he has or has not notice thereof, express, implied, or constructive."

(2) Subsections (3), (4), (7), and (8) of section eighty-three (relating to registration) are hereby repealed and the following provisions shall have effect in lieu thereof:—

(i). Registration of a writ, order, or deed of arrangement under the Land Charges Registration and Searches Act, 1888 (as amended by any subsequent enactment), or a lis pendens, annuity, or other interest now required to be registered by the registrar or otherwise under the Land Charges Act, 1900, shall, where the land or charge securing the debt affected is registered, be effected only by lodging a creditors' notice or a caution against dealings with the land or the charge, and registration of a land charge (but not including a local land charge unless application is made to register notice thereof) under the said Act of 1888 (as amended by the Law of Property Act, 1922) shall, where the land affected is registered, be effected only by registering a notice under section fifty of the Act of 1875 (as amended), and no other registration shall be required unless the charge (to secure money) is to be realised, when the land charge may be registered as a registered charge.

(ii) A person interested under a writ or order for enforcing a judgment against registered land, or a charge, may inspect and make copies of and extracts from the register and documents referred to therein which are in the custody of the registrar, so far as the same

relate to the registered land, or charge, and may, in accordance with section fifty-three of the Act of 1875, lodge a caution against dealings therewith.

(iii) A registered proprietor of a land charge shall, in reference thereto, but subject to any entry to the contrary on the register, have the same powers as are by the Acts conferred on the proprietor of a registered charge, but this subsection shall operate without prejudice to the priority conferred by the land charge.

(iv) The foregoing provisions shall apply only to writs and orders issued registered, or re-registered deeds of arrangement executed, lites pendentes or annuities commenced, registered, or re-registered and land charges created, registered or re-registered after the commencement of this Act.

Restrictive covenants.

21. Section eighty-four as amended by the Act of 1897 is hereby repealed and the following provisions shall have effect in substitution therefor:—

(1) Any person entitled to the benefit of a restrictive covenant or restriction with respect to the building on or other user of registered freehold land may apply to the registrar to enter notice thereof on the register, and where practicable the notice shall be by reference to the instrument, if any, which contains the covenant or agreement, and a copy or abstract of such instrument shall be filed at the registry; and where any such covenant or agreement appears to exist at the time of first registration, notice thereof shall be entered on the register. In the case of registered land the notice aforesaid shall take the place of the registration of a land charge.

(2) When such notice is entered every registered proprietor of the land and the persons deriving title under him (except incumbrancers or other persons who at the time when the notice is entered may not be bound by the covenant or agreement) shall be deemed to be affected with notice of the covenant or agreement, as being an incumbrance on the land.

(3) Where the covenant or agreement is discharged or modified by an order under Part III. of the Law of Property Act, 1922, or otherwise, or the court refuses to grant an injunction for enforcing the same, the entry shall either be cancelled or reference made to the order or other instrument and a copy of the order, judgment, or instrument shall be filed at the registry.

(4) The notice shall, when practicable, refer to the land whether registered or not for the benefit of which the covenant or agreement was made.

(5) The registered proprietor may (subject to any entry to the contrary on the register, and without prejudice to the rights of persons entitled to overriding interests (if any) and to any incumbrances entered on the register, who may not concur therein) in any registered disposition or other instrument by covenant, condition, or otherwise, impose or make binding, so far as the law permits, any obligation or reservation with respect to the building on or other user of the registered land or any part thereof, or with respect to mines and minerals (whether registered separately or as part of the registered land), or with respect to any other thing in like manner as if the registered proprietor were entitled to the registered estate for his own benefit.

(6) The registered proprietor may (subject as aforesaid) release or waive any rights arising or which may arise by reason of any covenant or condition, or release any obligation or reservation the benefit of which is annexed or belongs to his registered estate to the same extent and in the same manner as if the rights in respect of the breach or the benefit of the covenant, obligation or reservation had been vested in him absolutely for his own benefit.

(7) Entries shall be made on the register in the prescribed manner of all obligations and reservations imposed by the registered proprietor, of the release or waiver of any obligation or reservation and of all obligations and reservations acquired by him for the benefit of the registered land.

Amendment of section 82 and as to the Trustee Acts.

22.—(1) In section eighty-two the expression "incorporeal hereditament" does not include an undivided share in land.

(2) In section eighty-five "1893 (as amended by any subsequent enactment)" shall be substituted for "1850," and in place of the words "but this enactment" to the end of the section shall be substituted the words "subject to the express "provisions of this Act as amended by any subsequent enact- "ments and to the rules made thereunder."

As to married women, infants, and lunatics.

23.—(1) Section eighty-seven (relating to married women) and section eighty-eight (relating to infants and lunatics) are hereby repealed.

(2) A purported disposition of registered land or of a charge to an infant made after the commencement of this Act or by the will of a registered proprietor dying after such commencement, shall not entitle the infant to be registered as proprietor of the land or charge until he attains full age, but in the

meantime shall operate only as a declaration binding on the registered proprietor or personal representative that the registered estate or charge is to be held on trust to give effect to minor interests in favour of the infant, corresponding, as nearly as may be, with the interests which the disposition purports to transfer or create; and the disposition or a copy of or extract therefrom shall be deposited at the registry:

Provided that—

(*a*) If the disposition is made to the infant jointly with another person of full age, then that person shall, during the minority, be entitled to be registered as proprietor, and the infant shall not be registered until he attains full age:

(*b*) Where the registered land is subject to any trusts or rights of redemption in favour of any person other than the infant, then nothing in this section shall affect such trusts or rights of redemption:

(*c*) Where by reason of the minority or otherwise the land is settled land, then the provisions of the Acts relating to settled land shall apply thereto.

(3) Where after the commencement of this Act an infant becomes entitled under a will or on an intestacy to registered land or a registered charge, the same shall not be transferred by the personal representative to the infant until he attains full age.

(4) In case the benefit of a registered charge becomes vested in an infant the charge shall during the minority be registered in the names of the personal representatives, trustees, or other persons who if the charge had affected unregistered land would have been able to dispose of the same, and they shall for the purposes of the Acts have the same powers in reference thereto as the infant would have had if of full age.

(5) A caution may be lodged in the name or on behalf of an infant by his parent, trustee or guardian.

(6) Where a registered proprietor of the land or of a charge is a lunatic (whether so found or not) or a defective, the committee of his estate or his receiver shall, under an order in lunacy or otherwise, or under any statutory power, have and may exercise in the name and behalf of the lunatic or defective all the powers which under the Acts the lunatic or defective could have exercised if free from disability, and a copy of every such order shall be filed with the registrar and may be referred to on the register.

Rectification of the register by the court.

24. For the words "subject to any estates or rights acquired by registration in pursuance of this Act" respectively contained in sections ninety-five and ninety-six the words "subject to any express provisions of the Acts to the contrary" are hereby substituted in those sections.

Power to make general rules.

25. Provision may be made by general rules under section one hundred and eleven, as amended by the Act of 1897, for all or any of the following purposes:—

(*a*) For making such adaptations as changes in the general law (including changes effected by the Law of Property Act, 1922) may render expedient, with a view to the practice under the Acts being from time to time adapted, so far as expedient, to the practice in force in regard to unregistered land:

(*b*) For enabling the registrar, without further investigation, to accept a title as absolute or good leasehold, in proper cases, on the faith of certificates given by counsel or solicitors or both:

(*c*) For clearing the registered title on suitable occasions, and for enabling the registrar to permit any person interested to inspect entries on the register which have been cancelled, whether or not the title has been closed:

(*d*) For giving notice on land certificates of the general effect of registration:

(*e*) For the registration, by way of notice, on the first registration of the land of any easement, right, or privilege created by an instrument and operating at law which appears to affect adversely the land, and so far as practicable by reference to the instrument creating the same:

(*f*) For enabling any person who acquires any such easement, right, or privilege after the date of first registration of the land to require (subject to notice being given to the owner of the servient land) entry to be made in the register of notice of the same, and so far as practicable by reference to the instrument creating the right:

(*g*) For enabling the first or any subsequent registered proprietor to require that notice of his title to any such right, or interest, whether acquired under an instrument or by prescription or otherwise, being appurtenant or appendant to the registered land, be entered on the register, and, so far as practicable, by reference to the instrument (if any) creating the right, or interest, and for prescribing the effect of any such entry:

(*h*) For providing for the registration of a rentcharge in possession (either perpetual or for a term of years absolute) or mines and minerals when held separately from the surface and as to notices to be entered of any exception of mines and minerals; and for pre-

venting the registration of the benefit of any easement, right, privilege or restrictive covenant otherwise than as belonging to registered land:

(*i*) For regulating the procedure on application for first registration, provided that the applicant or his solicitor shall not be bound to make any declaration where a documentary title is shown, which would operate as a guarantee in regard to matters not disclosed by the abstract; for defining the effect of registration with a good leasehold title; and for enabling registration with a possessory title to be effected provisionally pending the investigation of the title:

(*j*) For regulating the issue and forms of certificates, and, if deemed desirable, for prescribing any special notification on the certificate to be given by way of warning when incumbrances, notices, and other adverse entries appear on the register:

(*k*) For providing for the cases in which the registrar may grant a certificate that an intended disposition is authorised, and will be registered if presented:

(*l*) For prescribing the form and effect of priority notices, and of priority cautions and inhibitions:

(*m*) For enabling a registered proprietor of land or a charge to register not more than three addresses (including, if he thinks fit, the address of his solicitor or firm of solicitors) to which notices are to be sent:

(*n*) For providing any special precautions to be taken against forgery when the land certificate or certificate of charge is not in the possession of the registered proprietor.

PART II.

Section 166.

AMENDMENTS AND REPEALS OF THE ACT OF 1897.

Sections referred to.

1. References to sections in this Part of this Schedule shall be construed as references to sections of the Act of 1897 unless the contrary is stated.

Settled land.

2.—(1) The following provisions shall be substituted for subsection (1) of section six (relating to settled land), namely:—

"(i) Settled land shall be registered in the name of the tenant for life of full age or statutory owner, and where a tenant for life (being the registered proprietor) ceases in his lifetime to be a tenant for life, then he shall transfer the land to his successor in title of full age, or if such successor is an infant, then to the statutory owner:

"(ii) The successive or other interests created by or arising under a settlement shall (save as regards any legal estate which cannot be overridden under the powers of the Settled Land Acts or other statute) take effect as minor interests and not otherwise; and effect shall be given thereto by the registered proprietor of the settled land as provided by Part I. of the Law of Property Act, 1922, with respect to the estate owner, with such adaptations (if any) as may be prescribed in the case of registered land by rules made under the Acts:

"(iii) References in the Acts to the 'tenant for life' shall, where the context admits, be read as referring to the tenant for life of full age or statutory owner who is entitled to be registered."

(2) The restrictions or inhibitions prescribed under subsection (2) of section six shall (subject to the provisions of this section relating to releases by the trustees of a settlement and to transfers by a tenant for life whose estate has ceased in his lifetime) be binding on the registered proprietor during his life, and shall not restrain or otherwise affect a disposition by his personal representative.

(3) The following provisions shall be substituted for subsection (3) of section six aforesaid, namely:—

"Where land already registered is acquired with capital money the same shall be transferred by a transfer in a special prescribed form to the tenant for life of full age, or statutory owner, and such transfer shall name the proper persons to be trustees thereof for the purposes of the Settled Land Acts, and contain an application to register the prescribed restrictions applicable to the case; a transfer made in the special prescribed form shall be deemed to comply with the requirements of Part I. of the Law of Property Act, 1922, respecting vesting deeds; and where no capital money is paid but land already registered is to be made subject to a settlement, it shall not be necessary for the trustees of the settlement to concur in the transfer."

(4) The following provisions shall be substituted for subsection (4) of section six aforesaid, namely:—

"(i) On the death of a registered proprietor, or of the survivor of two or more joint registered proprietors where the registered land is settled, whether by his will or by an instrument taking effect previously to his death, his personal representative shall hold the settled land subject to payment or to making provision

for payment of all death duties and other liabilities affecting the land, and having priority to the settlement, upon trust to transfer the same (by an assent) in the prescribed manner to the tenant for life of full age or statutory owner, and in the meantime upon trust to give effect to the minor interests under the settlement; but a transfer shall not be made to an infant.

"(ii) Rules may be made for enabling a personal representative or registered proprietor in proper cases to create legal estates by registered dispositions for giving effect to or creating overriding interests; to provide for the cases in which application shall be made by the personal representative or registered proprietor for the registration of restrictions or inhibitions or notices, and for discharging a personal representative or former registered proprietor who has complied with the requirements of the Acts and rules from all liability in respect of minor interests under a settlement.

"(iii) Where a tenant for life of full age or statutory owner who, if the land were not registered, would be entitled to have the settled land conveyed to him, is not the registered proprietor, then the registered proprietor shall (notwithstanding any stipulation or provision to the contrary) be bound to execute such transfers as may be required for giving effect on the register to the rights of such tenant for life of full age or statutory owner.

"(iv) Where the former trustees of a settlement have in the prescribed manner released the land to the registered proprietor from the minor interests, then the registrar shall be entitled to assume that the settlement has determined, and the restrictions or inhibitions for protecting the minor interests thereunder shall be cancelled.

"(v) Where an order is made under Part II. of the Law of Property Act, 1922, authorising the trustees of the settlement to exercise the powers on behalf of a tenant for life of full age who is registered as proprietor, they may in his name and on his behalf do all such acts and things under the Acts as may be requisite for giving effect on the register to the powers authorised to be exercised in like manner as if they were registered as proprietors of the land, but a copy of the order shall be filed at the registry before such powers are exercised.

"(vi) Where a registered proprietor ceases in his lifetime to be a tenant for life, then on the registration of his successor in title of full age or other statutory owner it shall be the duty of the trustees of the settlement, if

the same be still subsisting to apply for such alteration (if any) in the restrictions or inhibitions as may be required for the protection of the minor interests under the settlement."

(5) Subsections (4), (5), (8), and (10) of section six are hereby repealed ; and in subsection (6) the expression "settlement" shall as respects the appointment of trustees include the vesting instrument as well as the trust deed and any other instruments creating the settlement, but, in the case of registered land, a transfer or assent in the prescribed form may take the place of a vesting instrument.

(6) The following words are hereby added at the end of subsection (6) of section six, namely :—

" The registrar may notwithstanding any restriction entered on the register grant a certificate that an intended registered disposition is authorised by a settlement, or otherwise, and will be registered, and a purchaser who obtains such certificate shall not be concerned to see that the disposition is authorised, but where capital money is paid to the persons to whom the same is required to be paid by a restriction or into court no such certificate shall be required."

(7) The following words are hereby added at the end of subsection (7) of section six aforesaid, namely :—

" But so long as the estate interest or charge is capable of being overridden under the Settled Land Acts, or Part I. of the Law of Property Act, 1922, no charge shall be created or registered under this subsection."

(8) This section applies in every case where pursuant to the Law of Property Act, 1922, settled land is to be vested in a tenant for life of full age or statutory owner, whether the land was registered before or after the commencement of this Act, and the registered proprietor of settled land (not being the tenant for life of full age or statutory owner entitled to the same) shall be bound to make such transfers as may be required for giving effect to the rights of the tenant for life of full age or statutory owner :

Provided that, where the registered land is not, at the commencement of this Act, registered in the name of a personal representative, or a tenant for life of full age or statutory owner, who if the land were not registered, would by virtue of Part. I. of the Law of Property Act, 1922, be entitled to have the settled land vested in him, then any such person shall (without any transfer) be entitled to be registered as proprietor thereof, and shall in the prescribed manner apply for registration accordingly, and no fee shall be charged in respect of such registration or consequential alteration in the register.

Provisions as o infants.

3. The following provisions shall have effect where an infant is or is deemed to be a tenant for life or would if he were of full age have the powers of a tenant for life:—

(i) The personal representatives under the will or an intestacy under which the settlement is created or arises shall, during the minority and in reference to the settled land, have all the powers conferred by the Settled Land Acts on a tenant for life and on the trustees of the settlement, and shall be registered as proprietors thereof during the minority; but if and when the personal representatives would, if the infant had been of full age, have been bound to transfer the land to him, then the personal representatives shall thenceforth during the minority give effect on the register to the directions of the statutory owner, and shall apply for the registration of any restriction which may be prescribed, but shall not be concerned with the propriety of any registered disposition so directed to be made if the same appears to be a proper disposition under the powers of the statutory owner and the capital money (if any) arising under the disposition is paid to the trustees of the settlement or into court; but a purchaser dealing with the personal representatives, who complies with the restriction (if any) which may be entered on the register, shall not be concerned to see or enquire whether any such directions have been given.

(ii) If an infant becomes entitled in possession (or will become entitled in possession on attaining full age) to registered land otherwise than on a death, then the trustees of the settlement by whom the powers of a tenant for life are exerciseable during the minority shall be entitled to require the settled land, to which such powers extend, to be transferred to them and shall be registered as proprietors accordingly.

(iii) If and when the registered land would (if not registered) be vested in the trustees of the settlement pursuant to Part I. of the Law of Property Act, 1922, then such trustees shall (unless they are already registered) be entitled to be registered as proprietors thereof, and shall in the prescribed manner apply for registration accordingly, and no fee shall be charged in respect of such registration or consequential alteration in the register.

As to land held on trust or sale.

4.—(1) Where registered land is subject to a trust for sale, express or implied, whether or not there is power to postpone the sale, the land shall be registered in the names of the trustees for sale.

(2) Where an order, in force at the commencement of this Act, has been obtained under section seven of the Settled Land Act, 1884, then the person authorised by the order to exercise any of the powers conferred by the Settled Land Acts, may, in the names and on behalf of the registered proprietors, do all such acts and things under the Acts, as may be requisite for giving effect on the register to the powers authorised to be exercised and in like manner as if such person were registered as proprietor of the land, and a copy of the order shall be filed at the registry.

(3) Where by virtue of Part I. of the Law of Property Act, 1922, registered land is made subject to a trust for sale, the trustees for sale (unless already registered) shall be registered as proprietors thereof, and shall in the prescribed manner apply for registration accordingly, and no fee shall be charged in respect of such registration or consequential alteration of the register, but this subsection shall have effect subject to the provisions of the Acts relating to the registration of the Public Trustee or the removal of an undivided share from the register before the entirety of the land is registered.

As to vesting orders declarations and deeds and dispositions in name of proprietor.

5.—(1) The registrar shall give effect on the register to any vesting order or vesting declaration made on the appointment or discharge of a trustee or otherwise, and to dispositions made in the name and on behalf of a registered proprietor by a person authorised to make the disposition; and the provisions of section twelve of the Trustee Act, 1893 (as amended by any subsequent enactment) shall apply to registered land subject to the proper entry being made on the register.

(2) The Registrar shall also give effect on the register in the prescribed manner to any vesting instrument which may be made pursuant to the Law of Property Act, 1922.

As to the application of compensation money.

6. Where any indemnity is paid under the Acts in respect of settled land, and not in respect of any particular estate, remainder, or reversion therein, the money shall be paid to the trustees of the settlement and be held by them as capital money for the purposes of the Settled Land Acts arising from the settled land.

Land certificates and certificates of charge.

7.—(1) In addition to the cases mentioned in subsection (1) of section eight, land certificates or certificates of charge shall be produced to the registrar to be noted as provided by that subsection, in every case (except as herein-after mentioned) where under section fifty of the Act of 1875 (as amended) or otherwise notice of any estate, right, or claim, or a restriction,

is entered or placed on the register, adversely affecting the title of the proprietor of the land or charge, but not in the case of the lodgment of a caution under section fifty-three of the Act of 1875 or of an inhibition or of a creditor's notice or of the entry of notice of a lease at a rent without taking a fine.

(2) For subsection (3) of section eight the following subsection shall be substituted :—

"A new land certificate or certificate of charge may be issued in place of one lost or destroyed, or in the possession of a person out of the jurisdiction of the Court, on such terms as to advertisement notice or delay as may be prescribed."

(3) The provisions of subsection (4) of section eight (relating to the issue of a new land certificate on sale under the statutory power by a registered proprietor of a charge) shall be extended in the prescribed manner to the cases of an order for foreclosure absolute, of a proprietor of a charge or a mortgagee obtaining a title to the land under the Limitation Acts, and of title being acquired under a title paramount to the registered estate, including titles acquired pursuant to any vesting or other order of the Court.

(4) The words "Subject to any stipulation to the contrary " the proprietor of a registered charge shall not be entitled to " have the custody of the land certificate or to require a land " certificate to be applied for" in subsection (4) of section eight are hereby repealed, and the following words shall be substituted therefor :—

"Where a charge or mortgage (otherwise than by deposit) is registered, or protected by a caution in a specially prescribed form, the land certificate shall be deposited at the registry until the charge, or mortgage, or caution is cancelled."

(5) In the last paragraph of subsection (4) of section eight (relating to mortgages by deposit), the words "subject to the " overriding interests (if any), to any entry to the contrary on " the register and to any estates, interests, charges, or rights " registered or protected on the register at the date of the " deposit" are hereby substituted for the words "subject to any " registered estates, charges, or rights."

Transfers and charges.

8.—(1) In subsection (1) of section nine after the words "with power of sale shall" the words "without prejudice to the powers conferred by the Acts on the proprietor of such charge" are hereby inserted.

(2) The following words shall be inserted in subsection (2) of section nine, after the words "the same Act," namely, "as amended and extended by the Conveyancing Act, 1911."

(3) The following words shall be added at the end of subsection (3) of section nine, namely:—

"This subsection shall not authorise a charge of an annuity or other periodical payment for life or lives or for a term of years determinable with life or lives or other determinable life interest, but such a charge shall nevertheless be capable of being created in equity as a minor interest."

(4) The following words shall be added at the end of subsection (6) of section nine, namely:—

"Rules may be made for extending the provisions of this subsection to the case of any person entitled to be registered as first proprietor, and to any other case which it may be deemed expedient to prescribe for."

Applications, &c., by unqualified persons.

9. The words "or makes any application or lodges any document at the registry" are hereby inserted in section ten of the Act of 1897, after the words "other prescribed instrument" and that section shall have effect accordingly.

Restriction on number of trustees and description of registered land.

10.—(1) The provisions of the Law of Property Act, 1922, affecting the number of the persons entitled to hold land on trust for sale, and the number of trustees of a settlement shall apply to registered land.

(2) Subsection (1) of section fourteen shall not authorise the registration of undivided shares after the commencement of this Act.

(3) Subsection (2) of section fourteen is hereby repealed, and the following provision shall be substituted therefor:—

"(2) Registered land may be described by means of a verbal description and a filed plan, or general map, based on the ordnance map, or by reference to a deed or other document, a copy or extract whereof is filed at the registry containing a sufficient description thereof, and a plan or map or otherwise as the applicant for registration may desire, and the registrar, or the court, if the applicant prefers, may approve, regard being had to ready identification of parcels, correct descriptions of boundaries, and, so far as may be, uniformity of practice; but whenever practicable the boundaries of all freehold land and all requisite details in relation to the same shall be entered on

the register or filed plan, or general map, and the filed plan (if any), or general map, shall be used for assisting the identification of the land."

Exceptions in regard to compulsory registration.

11.—(1) In subsection (1) of section twenty-four the words "or two lives yet to fall in, or to an undivided share in land" are hereby repealed.

(2) Subsection (2) of section twenty-four is hereby repealed.

CHAPTER 17.

An Act to grant certain Duties of Customs and Inland Revenue (including Excise), to alter other Duties, and to amend the Law relating to Customs and Inland Revenue (including Excise), and the National Debt, and to make further provision in connection with Finance.

[20th July 1922.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

CUSTOMS AND EXCISE.

Duty on tea. 9 & 10 Geo. 5. c. 32.

1. In lieu of the duty of customs payable on tea imported into Great Britain or Ireland there shall, subject to the provisions of section eight of the Finance Act, 1919 (which relates to imperial preferential rates), be charged, levied and paid as from the fifteenth day of

May, nineteen hundred and twenty-two, until the first day of August, nineteen hundred and twenty-three, the following duty, that is to say :—

Tea - - - the lb., eight pence.

Reduced duties on cocoa.

2. In lieu of the duties of customs payable on cocoa imported into Great Britain or Ireland there shall, subject to the provisions of section eight of the Finance Act, 1919, be charged, levied and paid as from the fifteenth day of May, nineteen hundred and twenty-two, the following reduced duties, that is to say :—

		£	*s.*	*d.*
Cocoa - - - - -	the cwt.	1	8	0
Cocoa (husks and shells) -	the cwt.	0	4	0
Cocoa-butter - - -	the lb.	0	0	3

Provided that in the application of this section to any duty charged on manufactured or prepared goods under section seven of the Finance Act, 1901, the first day of July, nineteen hundred and twenty-two, shall be substituted for the fifteenth day of May, nineteen hundred and twenty-two.

1 Edw. 7. c. 7.

Reduced duties on coffee, chicory, and coffee substitutes.

3.—(1) In lieu of the duties of customs payable on coffee and chicory imported into Great Britain or Ireland there shall, subject to the provisions of section eight of the Finance Act, 1919, be charged, levied and paid as from the fifteenth day of May, nineteen hundred and twenty-two, the following reduced duties, that is to say :—

		£	*s.*	*d.*
Coffee (not kiln-dried, roasted or ground)	the cwt.	1	8	0
Coffee (kiln-dried, roasted or ground)	the lb.	0	0	4
Chicory (raw or kiln-dried) -	the cwt.	1	6	6
Chicory (roasted or ground)	the lb.	0	0	4

(2) In lieu of the duty of excise payable on chicory there shall, as from the fifteenth day of May, nineteen hundred and twenty-two, be charged, levied and paid the following reduced duty, that is to say :—

		£	*s.*	*d.*
Chicory (raw or kiln-dried) -	the cwt.	1	1	1

and so in proportion for any less quantity.

(3) In lieu of the duty of excise now payable in respect of coffee substitutes there shall, as from the fifteenth day of May, nineteen hundred and twenty-two, be charged, levied and paid on any article or substance prepared or manufactured for the purpose of being in imitation of, or in any respect to resemble, or to serve as a substitute for, coffee or chicory, and on any mixture of any such article or substance with coffee or chicory, the following reduced duty, that is to say :—

	£	*s.*	*d.*
For every quarter of a pound of any such article, substance or mixture, which is sold or kept for sale in Great Britain or Ireland - - -	0	0	1

(4) For the rates of drawback on coffee and chicory and mixtures of coffee and chicory specified in section twenty-two of the Finance Act, 1916, there shall be substituted the following reduced rates, that is to say :—

6 & 7 Geo. 5. c. 24.

		£	*s.*	*d.*
Coffee - - -	for every 100 lbs.	1	8	0
Chicory - - -	for every 100 lbs.	1	2	6
Mixtures of coffee and chicory	for every 100 lbs.	1	2	6

Provided that the reduction of rates under this subsection shall not have effect in relation to any goods as respects which it is shown to the satisfaction of the Commissioners of Customs and Excise that duty was paid at the rate in force before the fifteenth day of May, nineteen hundred and twenty-two.

Continuation of customs duties imposed under 5 & 6 Geo. 5. c. 89.

4. The new import duties and the additional customs duties on dried fruits imposed by Part I. of the Finance (No. 2) Act, 1915, shall, subject to the provisions of section eight of the Finance Act, 1919, continue to be charged, levied and paid in the case of the new import duties until the first day of May, nineteen hundred and twenty-three, and in the case of the duties on dried fruits until the first day of August, nineteen hundred and twenty-three.

Continuation of increased medicine duties.

5. The additional duties of excise imposed by section eleven of the Finance (No. 2) Act, 1915, upon medicines liable to duty shall continue to be charged, levied and paid until the first day of August, nineteen hundred and twenty-three.

Excise duties on sugar and molasses made from home-grown materials to cease. 8 & 9 Geo. 5. c. 15.

6.—(1) The duties of excise chargeable under section nine of the Finance Act, 1918, in respect of sugar and molasses made in Great Britain or Ireland and (except as regards goods in respect of which the said duties have been paid) the excise drawbacks and allowance under the said section shall, as respects sugar and molasses made from beet grown in Great Britain or Ireland (in this section referred to as "non-dutiable sugar and molasses") cease and determine as from the commencement of this Act.

(2) Part III. of the First Schedule to the Finance (No. 2) Act, 1915, shall have effect as though references therein to the manufacture and manufacturers of sugar included references to the manufacture and manufacturers of non-dutiable sugar, and with the substitution in the application thereof to the manufacturers of non-dutiable sugar of the words "with a view to securing that no "drawback or allowance shall be paid in respect of sugar "or molasses upon which no duty has been paid" for the words "with a view to securing and collecting the excise "duty imposed by this Act."

(3) Notwithstanding anything in any Act, the Commissioners of Customs and Excise may, subject to the prescribed conditions, permit a person refining sugar in bond to receive non-dutiable sugar or molasses at his bonded premises and to deliver therefrom without payment of duty a corresponding quantity of sugar or molasses.

(4) A person manufacturing non-dutiable sugar or molasses shall not, except with the permission of the Commissioners of Customs and Excise and subject to the prescribed conditions, have in his custody or possession any materials out of which sugar or molasses are manufactured other than beet grown in Great Britain or Ireland or materials produced from such beet.

If any person acts in contravention of this subsection, he shall, in respect of each offence, be liable to an excise penalty of one hundred pounds, and the goods in respect of which the offence is committed shall be forfeited.

(5) In this section the expression "prescribed" means prescribed by regulations made by the Commissioners of Customs and Excise.

Excise licence not required for

7. An excise licence shall not be required for the sale in Great Britain, whether wholesale or retail, of any

sale of certain liquor.

liquor which, whether made on the licensed premises of a brewer of beer for sale or elsewhere, is found, on analysis of a sample thereof at any time, to be of an original gravity not exceeding one thousand and sixteen degrees and to contain not more than two per cent. of proof spirit.

Private brewers' licences.

8. The following proviso shall be substituted for the proviso to section six, subsection (1), of the Finance Act, 1919 :—

Provided that, where the brewer is the occupier of a house of an annual value of eight pounds or less, he may in any year obtain without payment of duty a licence to brew a quantity not exceeding four bushels of malt, or the equivalent thereof, for his own use.

In the foregoing provision the expression "year" means the year ending on the thirtieth day of September.

Reduction of club duty. 10 Edw. 7 and 1 Geo. 5. c. 8.

9. The excise duty to be charged under section forty-eight of the Finance (1909-10) Act, 1910, on statements of purchases of intoxicating liquor to be supplied in clubs shall, as respects any statement relating to purchases during any period after the thirty-first day of December, nineteen hundred and twenty-one, be at the rate of threepence instead of sixpence for every pound of the purchases shown in the statement.

Exemption of certain compound articles from duty under 11&12Geo.5. c. 47.

10. Where the Treasury after consultation with the Board of Trade are satisfied as respects any article which is liable to duty under the Safeguarding of Industries Act, 1921, by reason only that some ingredient or part of the article is liable to duty under that Act, that it is inexpedient, having regard to the nature of that ingredient or part and to the smallness of its value in comparison with the total value of the article, that duty should be charged under that Act, the Treasury may by order exempt that article from duty under the said Act.

Entertainments duty declared to be chargeable on certain payments. 6 & 7 Geo. 5. c. 11.

11. For removing doubts, it is hereby declared that entertainments duty within the meaning of section one of the Finance (New Duties) Act, 1916, is by virtue of that Act chargeable on the following payments, that is to say :—

(*a*) payments for admission to an entertainment made to a person other than the proprietor of the entertainment; and

(*b*) payments of rent made in respect of an interest in any premises which is primarily acquired for the purpose of securing admission to an entertainment;

and accordingly in that section the expressions "the proprietor of the entertainment" and "the proprietor" shall include and be deemed always to have included any person on whose behalf payments for admission to an entertainment are received.

Amendment as to duties to be charged on certain negative cinematograph films.

12. If it is proved to the satisfaction of the Commissioners of Customs and Excise as respects any imported negative cinematograph film, whether developed or undeveloped, that the production of the film was organised by persons whose chief or only place of business was in the United Kingdom, and that the producer of the film and the principal actors and artists employed for the production thereof were British subjects and domiciled in the United Kingdom, that film shall, subject to compliance with such conditions as the Commissioners may by regulation prescribe, be treated for the purpose of the duties charged on imported cinematograph films by section twelve of the Finance (No. 2) Act, 1915, as being blank film.

Relief from entertainments duty.

13.—(1) Entertainments duty within the meaning of section one of the Finance (New Duties) Act, 1916, as amended by any subsequent enactment, shall not be charged on payments for admission to an entertainment as respects which it is proved to the satisfaction of the Commissioners of Customs and Excise that the entertainment—

(*a*) is provided by a society which is established solely for the purpose of promoting graphic art or the art of sculpture, or both such arts, and which is not conducted for profit; and

(*b*) consists solely of an exhibition of works of graphic art or of sculpture, or of both such classes of works, executed and exhibited by persons who practise graphic art or the art of sculpture for profit and as their main occupation.

(2) The provisions in subsection (5) of section one of the Finance (New Duties) Act, 1916, requiring the repayment to the proprietor of an entertainment in certain cases of the amount of the entertainments duty

paid in respect of the entertainment, shall have effect as if for the words "and that the whole of the expenses of "the entertainment do not exceed twenty per cent. of "the receipts" there were substituted the words "and "that the whole of the expenses of the entertainment do "not exceed thirty per cent. of the receipts."

(3) In this section the expression "society" includes a company, institution, or other association of persons, by whatever name called.

Charge of higher rate of duty on change in user, &c., of mechanically-propelled vehicles. 10 & 11 Geo. 5. c. 18.

14.—(1) Where a licence has been taken out for a mechanically-propelled vehicle at any rate under the Second Schedule to the Finance Act, 1920, and the vehicle is at any time while such licence is in force used in an altered condition or in a manner or for a purpose which brings it within, or which if it was used solely in that condition or in that manner or for that purpose would bring it within, a class or description of vehicle to which a higher rate of duty is applicable under the said schedule, duty at such higher rate shall become chargeable in respect of the licence for the vehicle.

(2) Where a licence has been taken out for a mechanically-propelled vehicle, and by virtue of such user as aforesaid a higher rate of duty becomes chargeable and duty at the higher rate was not paid before the vehicle was so used, the person so using the vehicle shall be liable to a penalty of an amount equal to three times the difference between the duty actually paid on the licence and the amount of duty at such higher rate or twenty pounds, whichever amount is the greater.

(3) This section shall come into operation on the first day of January, nineteen hundred and twenty-three.

Amendment of s. 9 of 10 & 11 Geo. 5. c. 72.

15.—(1) Section nine of the Roads Act, 1920 (which enables manufacturers of and dealers in mechanically-propelled vehicles to take out a general licence in respect of vehicles used by them in lieu of separate licences for each such vehicle) shall extend to repairers of mechanically-propelled vehicles.

(2) It shall be lawful for the Minister of Transport to make two sets of regulations under the said section nine prescribing the conditions subject to which general licences are to be issued and prescribing the purposes for

which the holder of a general licence may use it, and in that case—

(*a*) if a licence to which the one set of regulations applies is taken out by a manufacturer, repairer, or dealer, the yearly rate of duty shall be twenty-five pounds, or in the case of a licence to be used only for vehicles chargeable with duty under paragraph one or paragraph two of the Second Schedule to the Finance Act, 1920, five pounds;

(*b*) if a licence to which the other set of regulations applies is taken out by a manufacturer, repairer, or dealer, the yearly rate of duty shall be five pounds, or in the case of a licence to be used only for vehicles chargeable with duty under paragraph one or paragraph two of the Second Schedule to the Finance Act, 1920, one pound:

Provided that any such licence to which the first-mentioned set of regulations is applicable may be taken out for one quarter of the year only, beginning the first day of January, the twenty-fifth day of March, the first day of July, or the first day of October, and in the case of any licence so taken out the duty shall be thirty per cent. of the full annual duty.

It shall be at the option of every manufacturer or repairer of, or dealer in, mechanically-propelled vehicles wishing to take out a general licence whether the licence is one to which the one or other of the two sets of regulations applies.

(3) This section shall come into operation on the first day of January, nineteen hundred and twenty-three, and on the rates of duty for general licences prescribed by this section becoming chargeable the rates prescribed for such licences by section nine of the Roads Act, 1920, shall cease to be chargeable.

PART II.

INCOME TAX AND INHABITED HOUSE DUTY.

Income tax and super-tax for 1922–23.

16.—(1) Income tax for the year 1922–23 shall be charged at the rate of five shillings, and the rates of super-tax for that year shall, for the purposes of section four

8 & 9 Geo. 5. c. 40.

of the Income Tax Act, 1918, as amended by the Finance Act, 1920, be the same as those for the year 1921–22.

(2) All such enactments relating to income tax and super-tax respectively as were in force with respect to the duties of income tax and super-tax granted for the year 1921–22, shall have full force and effect with respect to the duties of income tax and super-tax respectively granted by this Act.

(3) The annual value of any property which has been adopted for the purpose either of income tax under Schedules A and B, or of inhabited house duty, for the year 1921–22, shall be taken as the annual value of that property for the same purpose for the year 1922–23:

Provided that this subsection—

(*a*) so far as respects the duty on inhabited houses in Scotland, shall be construed as referring to a year of assessment ending on the twenty-fourth day of May instead of to a year of assessment ending on the fifth day of April; and

(*b*) shall not apply to lands, tenements, and hereditaments in the administrative county of London with respect to which the valuation list under the Valuation (Metropolis) Act, 1869, is, by that Act, made conclusive for the purposes of income tax and inhabited house duty.

32 & 33 Vict. c. 67.

Computation of profits under Case III. of Schedule D.

17. The following Rule shall be substituted for Rule 2 of the Rules applicable to Case III. of Schedule D:—

"2.—(1) The tax shall, subject as hereinafter provided, be computed—

(*a*) as respects the year of assessment in which the profits or income first arise, on the full amount of the profits or income arising within that year; and

(*b*) as respects subsequent years of assessment, on the full amount of the profits or income arising within the year preceding the year of assessment:

Provided that—

(i) where the profits or income first arose on some day in the year preceding the

year of assessment other than the sixth day of April, the computation shall be made on the profits or income of the year of assessment; and

(ii) where the profits or income first arose on the sixth day of April in the year preceding the year of assessment, or on some day in the the year next before the year preceding the year of assessment other than the sixth day of April, the person charged shall be entitled, on giving notice in writing to the surveyor of taxes at any time within twelve months after the end of the year of assessment, to be charged on the amount of the profits or income of that year, and if the tax charged has been paid, any amount overpaid shall be repaid.

(2) Tax shall be paid on the actual amount computed as aforesaid without any deduction."

Income tax on offices, employments and pensions to be chargeable under Schedule E.

18.—(1) Such profits or gains arising or accruing to any person from an office, employment or pension as are, under the Income Tax Act, 1918, chargeable to income tax under Schedule D (other than the profits or gains chargeable under Case V. of Schedule D, or under Rule 7 of the Miscellaneous Rules applicable to Schedule D), shall cease to be chargeable under that schedule and shall be chargeable to tax under Schedule E, and the Rules applicable to that schedule shall apply accordingly subject to the provisions of this Act.

(2) Rule 2 of the Rules applicable to Cases I. and II. of Schedule D (which relates to the assessment and charge of weekly wage-earners), shall be deemed to be one of the Rules applicable to Schedule E.

(3) Rule 7 of the Rules applicable to Schedule E (which relates to the charge of tax in respect of offices and employments of profit held under a railway company), shall apply to all offices and employments held under, and pensions paid by, a railway company:

Provided that nothing in this subsection shall affect the provisions relating to the quarterly assessment and the collection of income tax in the case of weekly wage-earners employed by way of manual labour.

(4) Paragraph (5) of Rule 18 of the Rules applicable to Schedule E shall have effect as though the words "or in which he is employed" were inserted at the end thereof.

(5) The following paragraph shall be inserted at the end of Rule 5 of the Rules applicable to Schedule E:—

"If any person proves to the satisfaction of the Commissioners concerned that the amount for which an assessment has been made in respect of his salary, fees or emoluments for any year of assessment exceeds the amount of the salary, fees or emoluments for that year, the assessment shall be adjusted and any amount overpaid by way of tax shall be repaid."

(6) The provisions of subsection (1) and subsection (3) of this section shall have effect and shall be deemed always to have had effect, for the purpose of any assessment to income tax which is made or becomes final and conclusive after the first day of May, nineteen hundred and twenty-two, in respect of any employment (other than that of a weekly wage-earner employed by way of manual labour) under any public department, or under any company, society or body of persons or other employer mentioned in Rule 6 of the Rules applicable to Schedule E.

(7) Income tax in respect of profits or gains which would but for the provisions of this section have been chargeable under Schedule D for the year 1922-23, may be charged for that year either under Schedule D or under Schedule E, but the tax shall in all cases be computed in accordance with the provisions and rules applicable to Schedule E as amended by this Act.

Appeals to Special Commissioners against assessments under Schedule E.

19. Any person charged to income tax under Schedule E may appeal to the Special Commissioners against any assessment in respect of his emoluments for any year, or against the amount of tax deducted therefrom, and the provisions of section one hundred and forty-eight of the Income Tax Act, 1918, shall, with any necessary modification, apply to any such appeal:

Provided that, where any such person has under any other provisions of the Income Tax Acts any right of appeal to any other body of Commissioners, he may appeal either under those provisions or under this section, but not under both.

Income under revocable and certain other dispositions to be treated as income of disponor.

20.—(1) Any income—

(*a*) of which any person is able, or has, at any time since the fifth day of April, nineteen hundred and twenty-two, been able, without the consent of any other person by means of the exercise of any power of appointment, power of revocation or otherwise howsoever by virtue or in consequence of a disposition made directly or indirectly by himself, to obtain for himself the beneficial enjoyment; or

(*b*) which by virtue or in consequence of any disposition made, directly or indirectly, by any person after the first day of May, nineteen hundred and twenty-two (other than a disposition made for valuable and sufficient consideration), is payable to or applicable for the benefit of any other person for a period which cannot exceed six years; or

(*c*) which by virtue or in consequence of any disposition made, directly or indirectly, by any person after the fifth day of April, nineteen hundred and fourteen, is payable to or applicable for the benefit of a child of that person for some period less than the life of the child;

shall, subject to the provisions of this section, but in cases under the above paragraph (*c*) only if and so long as the child is an infant and unmarried, be deemed for the purposes of the enactments relating to income tax (including super-tax) to be the income of the person who is or was able to obtain the beneficial enjoyment thereof, or of the person, if living, by whom the disposition was made, as the case may be, and not to be for those purposes the income of any other person:

Provided that in cases under the above paragraph (*a*)—

(i) where any such power as aforesaid can be exercised by a person with the consent of the wife or the husband of that person, the power shall, for the purposes of the said paragraph, be deemed to be exerciseable without the consent of another person, except where

the husband and wife are living apart either by agreement or under an order of a court of competent jurisdiction; and

(ii) where any such power as aforesaid is exerciseable by the wife or the husband of the person who made the disposition, the power shall, for the purposes of the said paragraph, be deemed to be exerciseable by the person who made the disposition.

Provided also that—

(i) the above paragraph (*c*) shall not apply as regards any income which is derived from capital which, at the end of the period during which that income is payable to or applicable for the benefit of the child, is required by the disposition to be held on trust absolutely for, or to be transferred to, the child, or any income which is payable to or applicable for the benefit of a child during the whole period of the life of the person by whom the disposition was made; and

(ii) for the purposes of the said paragraph (*c*) income shall not be deemed to be payable to or applicable for the benefit of a child for some period less than its life by reason only that the disposition contains a provision for the payment to some other person of the income in the event of the bankruptcy of the child, or of an assignment thereof, or a charge thereon being executed by the child.

(2) Where by virtue of paragraph (*b*) or paragraph (*c*) of subsection (1) of this section any income tax or super-tax becomes chargeable on and is paid by the person by whom the disposition was made, that person shall be entitled to recover from any trustee or other person to whom the income is payable by virtue or in consequence of the disposition the amount of the tax so paid, and for that purpose to require the Commissioners concerned to furnish to him a certificate specifying the amount of the income in respect of which he has so paid tax and the amount of the tax so paid, and any certificate so furnished shall be conclusive evidence of the facts appearing thereby.

(3) Where any person obtains in respect of any allowance or relief a repayment of income tax in excess of the amount of the repayment to which he would but for the provisions of paragraph (*b*) or paragraph (*c*) of subsection (1) of this section have been entitled, an amount equal to the excess shall be paid by him to the trustee or other person to whom the income is payable by virtue or in consequence of the disposition, or where there are two or more such persons shall be apportioned among those persons as the case may require.

If any question arises as to the amount of any payment or as to any apportionment to be made under this subsection, that question shall be decided by the General Commissioners whose decision thereon shall be final.

(4) Any income, which is deemed by virtue of this section to be the income of any person, shall be deemed to be the highest part of his income.

(5) In this section, unless the context otherwise requires—

The expression "child" includes step-child or illegitimate child;

The expression "disposition" includes any trust, covenant, agreement or arrangement.

Super-tax on undistributed income of certain companies.

21. With a view to preventing the avoidance of the payment of super-tax through the withholding from distribution of income of a company which would otherwise be distributed, it is hereby enacted as follows:

(1) Where it appears to the Special Commissioners that any company to which this section applies has not, within a reasonable time after the end of any year or other period ending on any date subsequent to the fifth day of April, nineteen hundred and twenty-two, for which accounts have been made up, distributed to its members in such manner as to render the amount distributed liable to be included in the statements to be made by the members of the company of their total income for the purposes of super-tax, a reasonable part of its actual income from all sources for the said year or other period, the Commissioners may, by notice in writing to the company, direct that for purposes of assessment to super-tax, the said income of the company shall, for the year or other period specified in the notice, be deemed to be the income of the members,

and the amount thereof shall be apportioned among the members:

Provided that, in determining whether any company has or has not distributed a reasonable part of its income as aforesaid, the Commissioners shall have regard not only to the current requirements of the company's business but also to such other requirements as may be necessary or advisable for the maintenance and development of that business.

(2) Any super-tax chargeable under this section in respect of the amount of the income of the company apportioned to any member of the company, shall be assessed upon that member in the name of the company, and, subject as hereinafter provided, shall be payable by the company, and all the provisions of the Income Tax Acts and any regulations made thereunder relating to super-tax assessments and the collection and recovery of super-tax shall, with any necessary modification, apply to super-tax assessments and to the collection and recovery of super-tax charged under this section.

(3) A notice of charge to super-tax under this section shall in the first instance be served on the member of the company on whom the tax is assessed, and if that member does not within twenty-eight days from the date of the notice elect to pay the tax a notice of charge shall be served on the company and the tax shall thereupon become payable by the company:

Provided that nothing in this subsection shall prejudice the right to recover from the company the super-tax charged in respect of any member who has elected as aforesaid but who fails to pay the tax by the first day of January in the year of assessment or within twenty-eight days of the date on which he so elected, whichever is later.

(4) Any undistributed income which has been assessed and charged to super-tax under this section shall, when subsequently distributed, be deemed not to form part of the total income from all sources for the purposes of super-tax of any individual entitled thereto.

Where a member of a company has been assessed to and has paid super-tax otherwise than under this section in respect of any income which has also been assessed and upon which super-tax has been paid under this section, he shall, on proof to the satisfaction of the Special Commissioners of the double assessment, be entitled to

repayment of so much of the super-tax so paid by him as was attributable to the inclusion in his total income from all sources of the first-mentioned income.

(5) Where super-tax is charged under this section in respect of the income of a company for any year or other period, the Commissioners of Inland Revenue shall, on a certificate from the Special Commissioners that the super-tax has been accounted for, repay to the company the amount of any corporation profits tax paid by the company in respect of the corresponding accounting period or part thereof.

(6) This section shall apply to any company—

(*a*) which has, since the fifth day of April, nineteen hundred and fourteen, been registered under the Companies Acts, 1908 to 1917; and

(*b*) in which the number of shareholders computed as hereinafter provided is not more than fifty; and

(*c*) which has not issued any of its shares as a result of a public invitation to subscribe for shares; and

(*d*) which is under the control of not more than five persons.

For the purposes of this subsection—

In computing the number of shareholders of a company there shall be excluded any shareholder who is a trustee or nominee for some person otherwise owning or beneficially interested in shares in the company, or who is an employee of the company, or is the wife or the unmarried infant child of a beneficial owner of shares in the company;

A company shall be deemed to be under the control of any persons where the majority of the voting power or shares is in the hands of those persons or relatives or nominees of those persons, or where the control is by any other means whatever in the hands of those persons;

The expression "relative" means a husband or wife, ancestor, or lineal descendant, brother, or sister;

The expression "nominee" means a person who may be required to exercise his voting power on the directions of, or holds shares directly or indirectly on behalf of, another person;

Persons in partnership and persons interested in the estate of a deceased person or in property held on a trust shall, respectively, be deemed to be a single person.

(7) In this section the expression "member" shall include any person having a share or interest in the capital or profits or income of a company, and the expression "employee" shall not include any governing director, managing director, or director.

(8) The provisions contained in the First Schedule to this Act shall have effect as to the computation of the actual income from all sources of the company, the apportionment thereof amongst members of the company, and otherwise for the purpose of carrying into effect, and in connection with, this section.

(9) The provisions of this section shall apply for the purposes of assessment to super-tax for the year 1923-24 and any succeeding year of assessment.

Delivery of particulars for purposes of super-tax.

22.—(1) The Special Commissioners may, whether an assessment to super-tax has been made or not, require any individual who has been required to make a return of his total income for the purposes of super-tax to furnish to them within such time as they may prescribe, not being less than twenty-eight days, such particulars as to the several sources of his income and the amount arising from each source, and as to the nature and the amount of any deductions claimed to be allowed therefrom, as they consider necessary.

(2) If any person without reasonable excuse fails to furnish within the time prescribed any particulars required under this section, he shall be liable to a penalty not exceeding fifty pounds, and after judgment has been given for that penalty to a further penalty of the like amount for every day during which the failure continues.

Amendments as to Schedule B.

23.—(1) The definition of the expression "assessable value" in Schedule B of the Income Tax Act, 1918, shall have effect as though for the words "an amount equal to twice the annual value" there were substituted the words "an amount equal to the annual value," and as though for the words "an amount equal to the annual value" there were substituted the words "an amount equal to one-third of the annual value."

(2) In paragraph (*a*) of Rule 7 of the Rules applicable to Schedule B there shall be substituted for the words "a year" the words "ten years."

Amendment as to allowance for repairs.

24.—(1) The following paragraphs shall be substituted for paragraphs (i) and (ii) of paragraph (1) (*b*) of Rule 7 of No. V. in Schedule A (which relates to the allowance for repairs):—

"(i) where the owner is occupier or chargeable as landlord, or where a tenant is occupier and the landlord has undertaken to bear the cost of repairs, by a sum equal, where the amount of the assessment does not exceed twenty pounds, to one-fourth part of that amount, and, where the amount of the assessment exceeds twenty pounds but does not exceed forty pounds, to one-fifth part of that amount, and where the amount of the assessment exceeds forty pounds, to one-sixth part of that amount; and

(ii) where a tenant is occupier and has undertaken to bear the cost of repairs, by such a sum, not exceeding one-fourth, one-fifth or one-sixth part of the amount of the assessment, as the case may be, as may be necessary to reduce the amount of the assessment to the amount of rent payable by him:

"Provided that the amount by which an assessment is reduced shall not, in the case of an assessment exceeding the amount of twenty pounds but not exceeding the amount of forty pounds, or of an assessment exceeding the amount of forty pounds, be less than it would have been if the amount of the assessment had been twenty pounds or forty pounds, as the case may be."

(2) In paragraph (2) of the said Rule 7, for the words "one-sixth" there shall be substituted the words "one-fourth, one-fifth or one-sixth, as the case may be," and in paragraph (1) of Rule 8 of the said Number V. in Schedule A for the words "one sixth part" there shall be substituted the words "one-fourth, one-fifth or one-sixth part, as the case may be."

(3) This section shall not have effect as respects income tax for the year 1922–23, and shall, unless Parliament otherwise determines, cease to have effect on the fifth day of April, nineteen hundred and twenty-eight.

Amendment as to allowance for

25.—(1) The following paragraphs shall be substituted for paragraph (3) of Rule 8 of No. V. in Schedule A

maintenance, repairs, &c.

(which grants relief in certain cases in respect of the cost of maintenance, repairs, &c.) :—

"(3) This Rule shall apply to any land (inclusive of farmhouses and other buildings, if any) or house, the assessment on which is reduced for the purpose of collection:

Provided that no repayment of tax shall be made under this Rule in respect of the cost of maintenance repairs, insurance or management, if or to such extent as that cost has been otherwise allowed as a deduction in computing income for the purposes of income tax."

(2) This section shall not have effect as respects income tax for the year 1922–23.

Allowance to owner of mineral rights in respect of expenses.

26.—(1) Where for any year of assessment rights to work minerals in the United Kingdom are let, the lessor shall be entitled on making a claim for the purpose to be repaid so much of the income tax paid by him by deduction or otherwise in respect of the rent or royalties for that year as is equal to the amount of the tax on any sums proved to the satisfaction of the Special Commissioners to have been wholly, exclusively, and necessarily disbursed by him as expenses of management or supervision of those minerals in that year:

Provided that no repayment of tax shall be made—

(*a*) except on proof to the satisfaction of the Special Commissioners of payment of tax on the aggregate amount of the rent or royalties; or

(*b*) if, or to such extent as, the said expenses have been otherwise allowed as a deduction in computing income for the purposes of income tax.

(2) The provisions of subsection (2) of section thirty-three of the Income Tax Act, 1918, shall apply to claims under this section.

Allowances to war widows in respect of children.

27. Allowances granted by the Minister of Pensions under a Royal Warrant, Order in Council, or order administered by him to widows of members of the naval, military, or air forces of the Crown in respect of their children shall not be reckoned in computing the income of such widows for any of the purposes of the Income Tax Acts.

Relief from income tax in respect of national savings certificates, and Ulster savings certificates. 10 & 11 Geo. 5. c. 12.

28.—(1) Subsection (1) of section forty-seven of the Income Tax Act, 1918, which, as amended by section seven of the Savings Banks Act, 1920, grants relief from income tax in respect of any national savings certificates issued by the Treasury through the Post Office under which the purchaser, by virtue of an immediate payment of fifteen shillings and sixpence becomes entitled after five years to receive the sum of one pound, shall apply to any such certificates so issued whether the price of issue of the certificates is fifteen shillings and sixpence or any other sum and whether the certificates mature for payment on the expiration of five years or any other period.

(2) All enactments giving relief from income tax in respect of the accumulated interest payable in respect of national savings certificates shall extend to the accumulated interest payable in respect of any Ulster savings certificates issued by the Government of Northern Ireland and held by persons resident and domiciled in Northern Ireland, whether issued for the same price and whether maturing for payment on the expiration of the same period as national savings certificates or not.

Interest paid on arrears of excess profits duty not to be allowed as a deduction.

29. In the computation of any profits or income for the purposes of assessment to income tax no deduction shall be allowed in respect of any interest paid on arrears of excess profits duty or munitions exchequer payments.

Allocation of income to charity where residue is not paid to charity until after one year of death of testator.

30.—(1) Where a charity is entitled to the residuary estate of any testator and the residue or some part thereof is not paid to the charity until after the expiration of one year after the death of the testator, there shall be treated as being income of the charity for the purposes of the Income Tax Acts such portion of the income, if any, which accrued to the estate in respect of the period between the expiration of the said year and the date of payment as would have accrued to the charity if the residue, or the said part of the residue, had been paid to the charity immediately after the expiration of the said year and the assets constituting the estate (excluding any part thereof specifically bequeathed or devised) on that date had then been apportioned rateably as between the creditors, legatees (other than specific legatees), and persons entitled to the residue.

(2) If any question arises as to the amount which ought by virtue of this section to be treated as being income of a charity or as to the amount of income tax which has been paid or borne in respect of any income which is by virtue of this section treated as being income of a charity, the Special Commissioners shall hear and determine the case in like manner as if it were an appeal to them against an assessment under Schedule D, and the provisions of the Income Tax Acts relating to such an appeal (including the provisions relating to the statement of a case for the opinion of the High Court on a point of law) shall apply accordingly with any necessary modifications.

(3) In this section the expression "charity" means any body of persons or trust established for charitable purposes only, and references to the residuary estate of a testator include references to a share of residuary estate.

Allowances in respect of contributions towards expenses of superannuation benefits.

31.—(1) Where, in pursuance of any public general Act of Parliament, superannuation allowances or gratuities are payable to individuals holding an office or employment on their retirement or to their legal personal representatives on their death, and such individuals are by any such Act required to make contributions towards the expenses of providing the allowances and gratuities, the sums so contributed by any such individual for any year may be deducted from the amount of his emoluments to be assessed to income tax for that year:

Provided that, where any such sums are to be repaid to any individual under the authority of any such Act as aforesaid, the person by or through whom the sums are to be repaid shall deduct from those sums an amount equal to the total amount of the income tax which would have been paid in respect of those sums if they had not been allowed as deductions under the authority of this section, and if those sums are repaid with any interest thereon, shall also deduct therefrom an amount equal to the total amount of the income tax which would have been paid in respect of that interest if it had actually been paid to the individual in the several years in respect of which it is paid, and the provisions of paragraph (2) of rule twenty-one of the General Rules shall apply in regard to the accounting for and recovery of the amounts so deducted.

(2) Any person having the custody of the books containing the assessments to income tax on any individual for the several years in respect of which sums are repayable to him as aforesaid shall, notwithstanding anything contained in any declaration made by that person in pursuance of section eighty-nine of the Income Tax Act, 1918, on application by the person by or through whom the sums are repayable, furnish to him such particulars as may be necessary to enable him to compute the appropriate amount of income tax to be deducted and paid over by him as aforesaid.

Determination of annual values for purposes of income tax under Schedule A and inhabited house duty for 1923–24.

32.—(1) The provisions of this section shall have effect for the purpose of enabling the annual values of properties for the purposes of assessments to income tax under No. I. and No. II. of Schedule A and to inhabited house duty for the year 1923–24 (in this Act referred to as "the said annual values"), to be determined during the year 1922–23, and of enabling the said assessments for the year 1923–24 to be made as soon as may be after the commencement of that year, and for that purpose all things necessary to be done for determining the said annual values, and all things preliminary to the making of any such assessments may be done, as well at any time after the commencement of this Act and before the sixth day of April, nineteen hundred and twenty-three, as at any time after the last-mentioned date.

(2) For the purposes aforesaid, the provisions set out in the Second Schedule to this Act shall have effect.

(3) The assessments to income tax under No. I. and No. II. of Schedule A and to inhabited house duty for the year 1923–24 shall be made by the General Commissioners on the basis of the annual values determined under this section for the year 1922–23:

Provided that any person, who proves to the satisfaction of the General Commissioners that the annual value for the year 1923–24 of any land, tenement, hereditament, or heritage, or of any inhabited dwelling-house, in respect of which he has been assessed for the year 1923–24 is less than the annual value on which the assessment was based, shall be entitled to a reduction of the assessment to an amount based on the annual value for the year 1923–24, estimated in accordance with the rules applicable to assessments under No. I. or No. II. of Schedule A or

the enactments relating to inhabited house duty, as the case may be.

(4) This section shall not apply as respects Scotland, or Ireland, or as respects lands, tenements or heritages in the Administrative County of London with respect to which the valuation list under the Valuation (Metropolis) Act, 1869, is by that Act made conclusive for the purposes of income tax and inhabited house duty, or to the appointment of assessors within the said county.

Parishes for purposes of assessment, 1923–24.

33. The parishes for which assessments of income tax and inhabited house duty are to be made for the year 1923–24, and for which assessors and collectors are to be appointed for that year shall, in England (elsewhere than in the Administrative County of London), be the parishes as existing for the purposes of poor law administration at the commencement of this Act.

PART III.

EXCESS PROFITS DUTY.

Payment of excess profits duty by instalments.

34.—(1) Subject to the provisions of this section, the Commissioners of Inland Revenue may, on an application made in that behalf by any person by whom any excess profits duty under the Finance (No. 2) Act, 1915 (in this Part of this Act referred to as "the principal Act"), is payable, authorise the payment of the duty by means of quarterly instalments within the period of five years ending on the thirty-first day of December, nineteen hundred and twenty-six.

(2) The Commissioners of Inland Revenue may, as a condition of granting an application under this section, require the applicant to give such security for the due payment of the instalments as they think fit, and may, at their discretion at any time, revoke any authorisation granted under this section, but in any case in which such security as aforesaid has been given, only after three months' notice has been given by the Commissioners of their intention to revoke the authorisation.

(3) If any person is aggrieved by the refusal of the Commissioners of Inland Revenue to grant an application made by him under this section or by the revocation of an authorisation granted to him under this section, he may, at any time within fourteen days after the date on which notice is given to him by the Commissioners of the refusal or revocation, as the case may be, appeal against

the refusal or revocation to the Special Commissioners of Income Tax and the decision of the Special Commissioners on the appeal shall be final.

Any person intending to appeal to the Special Commissioners under the foregoing provision shall give notice of his intention to the Commissioners of Inland Revenue.

(4) Simple interest at the rate of four and a half per cent. per annum, without deduction for income tax, shall be chargeable on excess profits duty as from the date on which the duty becomes payable, or in the case of duty which became payable on or before the first day of January, nineteen hundred and twenty-two, as from that date.

Any such interest shall be payable in money and shall be recoverable as a debt due to His Majesty from the person by whom the duty in respect of which the interest is charged is payable.

(5) Any instalments of excess profits duty and any interest on arrears of excess profits duty payable by any person under this section shall be paid on such dates as the Commissioners of Inland Revenue may fix.

(6) For the purposes of this section, any reduction made after the first day of January, nineteen hundred and twenty-two, in the amount of an assessment to excess profits duty shall, subject as hereinafter provided, be deemed to have been made as on that date or as on the date on which the duty under that assessment became payable, whichever date is the later:

Provided that any reduction of the amount of duty payable, made in pursuance of the provisions of Part II. or Part III. of the Second Schedule to the Finance Act, 1921, shall have effect as from the thirty-first day of August, nineteen hundred and twenty-three, and the thirty-first day of August, nineteen hundred and twenty-five, respectively, or from the date at which the claim under those provisions could have been proved, whichever is the earlier. 11&12Geo.5. c. 32.

(7) In valuing any stock or bonds transferred in satisfaction of excess profits duty under section thirty-four of the Finance Act, 1917, no account shall be taken 7 & 8 Geo. 5. c. 31.

for the purpose of the deduction to be made under proviso (*a*) of subsection (4) of the said section of any interest accruing due after the thirty-first day of December, nineteen hundred and twenty-one.

(8) For the purposes of this section, excess profits duty shall be deemed to become payable on the expiration of three months from the date on which the assessment to duty is made.

(9) This section shall, subject to the necessary modifications, apply to munitions exchequer payments as it applies to excess profits duty.

(10) This section shall be deemed to have had effect as from the first day of January, nineteen hundred and twenty-two.

Right of appeal as to amount of deficiencies or losses.

35. Subsection (5) of section forty-five of the principal Act (which allows an appeal against an assessment of excess profits duty) shall apply as respects the determination by the Commissioners of Inland Revenue of the amount of any deficiencies or losses in respect of which a person carrying on a trade or business is entitled to a repayment of or a set-off against excess profits duty as it applies to the amount of an assessment made upon him by the said Commissioners.

Amendment of s. 38 (3) of 5 & 6 Geo. 5. c. 89.

36. Where the interest or any part of the interest in any trade or business of any person, being the proprietor thereof or a partner therein, passes by a voluntary disposition inter vivos made by that person or under his will or on his intestacy to the husband or the wife or any ancestor or lineal descendant of that person, that last-named person shall, for the purposes of subsection (3) of section thirty-eight of the principal Act (which allows a repayment of or set-off against excess profits duty in case of a deficiency or loss), be treated as if he were the person from whom the interest passed.

Interpretation.

37. In this Part of this Act references to the principal Act or to any provisions of that Act shall be construed as references to that Act or to those provisions as amended and extended by any subsequent enactment, including this Part of this Act.

PART IV.

NATIONAL DEBT.

Suspension of new sinking fund.

38. In the financial year ending the thirty-first day of March, nineteen hundred and twenty-three, that portion of the permanent charge for the national debt, which is not required for the annual charge directed by the National Debt and Local Loans Act, 1887, or any other Act, to be paid out of that charge, shall not be paid.

50 & 51 Vict. c. 16.

Continuance during current financial year of s. 58 of 10 & 11 Geo. 5. c. 18.

39. Section fifty-eight of the Finance Act, 1920 (which provides that amounts applied out of the Revenue in paying off debt are to be deemed to be expenditure within the meaning of sections four and five of the Sinking Fund Act, 1875), shall apply as respects the current financial year as it applied as respects the financial year ending on the thirty-first day of March, nineteen hundred and twenty-one.

38 & 39 Vict. c. 45.

Power to borrow moneys required for certain sinking funds.

40.—(1) The Treasury may at any time, if they think fit, raise money in the same manner in which they are authorised to raise money under subsection (1) of section one of the War Loan Act, 1919, for any of the following purposes, that is to say:—

9 & 10 Geo. 5. c. 37.

(*a*) for providing during the financial year ending the thirty-first day of March, nineteen hundred and twenty-three, for the issue out of the Consolidated Fund of the sums to be issued thereout under section forty-five of the Finance Act, 1921, for the purposes of the sinking fund established under that section in connection with the three and one-half per cent. Conversion Loan; and

(*b*) for providing during the said financial year such sums as are required in connection with four per cent. Victory Bonds, or stock or bonds forming part of the four per cent. Funding Loan, 1960–1990, which are transferred in satisfaction of death duties, or as are required under section two of the War Loan Act, 1919, to be issued to the National Debt Commissioners for the purposes of the sinking funds established in pursuance of that section in connection with the four per cent. Victory Bonds and four per cent. Funding Loan, 1960–1990; and

(*c*) for providing for the repayment to the Consolidated Fund of all or any part of the sums issued out of that fund for the purposes aforesaid.

(2) This section shall be construed as one with section one of the War Loan Act, 1919, and the provisions of that section shall have effect accordingly.

Charge on Consolidated Fund under s. 24 (1) of 10&11 Geo. 5. c. 67, to extend to the growing produce of Fund.

41. Subsection (1) of section twenty-four of the Government of Ireland Act, 1920, which provides that certain sums are to be charged on the Consolidated Fund of the United Kingdom, shall have effect as if for the words "the Consolidated Fund of the United Kingdom" there were substituted the words "the Consolidated Fund of the United Kingdom or the growing produce thereof."

PART V.

MISCELLANEOUS AND GENERAL.

Temporary continuance of exemption from corporations profits tax of profits of public utility companies, and building societies.

42. The exemption from corporation profits tax given by the proviso to subsection (2) of section fifty-two of the Finance Act, 1920, shall be continued from the thirty-first day of December, nineteen hundred and twenty-two, until the thirty-first day of December, nineteen hundred and twenty-five, and in section fifty-eight of the Finance Act, 1921, for the words "the thirty-first day of December, "nineteen hundred and twenty-two" there shall be substituted the words "the thirty-first day of December, "nineteen hundred and twenty-five."

Profits of charitable and other companies registered without word "limited" exempted from corporation profits tax.

8 Edw. 7. c. 69.

43.—(1) Corporation profits tax shall not be charged on the profits of an association which is registered under section twenty of the Companies (Consolidation) Act, 1908, as a company with limited liability without the addition of the word "limited" to its name, so long as it continues so registered, or on the profits of a company which is established solely for the advancement of religion or education and which under its memorandum or articles of association is prohibited from distributing any part of its profits to its members.

(2) This section shall be deemed to have had effect as from the first day of January, nineteen hundred and twenty-two.

Option as to payment of estate duty in certain cases.

44. Where any land or chattels settled by Act of Parliament or Royal Grant pass on the death of any person, any estate duty payable in respect thereof, or of

any interest therein, under subsection (5) of section five of the Finance Act, 1894, may, at the option of the person authorised or required to pay the same, and notwithstanding anything in the said section or in the Act of Parliament or Royal Grant settling the said land or chattels, be treated as a charge on and be raised and paid out of the corpus of such land or chattels, and the provisions of section nine of the Finance Act, 1894, dealing with the charge of estate duty and the facilities for raising that duty shall apply. 57 & 58 Vict. c. 30.

The option given by this section shall be exerciseable in any case in which estate duty in respect of land or chattels, or any interest therein, to which subsection (5) of section five of the Finance Act, 1894, applies, is unpaid at the date of the passing of this Act, irrespective of the date of the death which gave rise to the claim for that duty.

Extension to Malay States of s. 20 of 57 & 58 Vict. c. 30.

45.—(1) Section twenty of the Finance Act, 1894 (which relates to payment of death duties where death duties are payable in certain British Possessions), shall have effect as if the Malay States were a British Possession within the meaning of that section.

(2) For the purposes of this section, "the Malay States" means the Federated Malay States and Johore, Kedah, Perlis, Kelantan, Trengganu, and Brunei.

Reduction of amount of composition for stamp duties in certain cases. 54 & 55 Vict. c. 39.

46. The stamp duty chargeable by way of composition for stamp duty under section one hundred and fourteen of the Stamp Act, 1891, as extended or amended by section thirty-nine of the Finance Act, 1894, section five of the Finance Act, 1898, and section thirty-seven of the Finance Act, 1920, shall, in the cases hereinafter mentioned, be reduced so as to be—

(*a*) when the period within which the stock is to be redeemed or paid off, or during which annual or other payments in respect of the redemption or payment off of the stock are required to be made, does not exceed twenty years from the date of the composition, one shilling for every ten pounds and any fraction of ten pounds of the nominal amount of the stock inscribed at the date of the composition; and

(*b*) when the said period exceeds twenty years but does not exceed forty years from the said date, two shillings for every such ten pounds or fraction of ten pounds.

Alkali, &c. works stamp duty. 6 Edw. 7. c. 14.

47. Subsection (6) of section nine of the Alkali, &c. Works Regulation Act, 1906 (which relates to the stamp duty chargeable on certificates of registration of alkali and other works), shall have effect as if for the words "five pounds" there were substituted the words "ten pounds," and for the words "three pounds" there were substituted the words "six pounds":

Provided that nothing in this section shall affect the stamp duty chargeable in respect of any certificate of registration issued before the first day of April, nineteen hundred and twenty-three.

Repayments in respect of spoiled and unused stamps.

48. The Postmaster-General, in the exercise of any powers for the time being vested in him in relation to spoiled, unused or misused stamps, may make repayments or give other stamps in return for any spoiled, unused or misused stamps either of a value equal to the face value thereof, or, if he thinks fit, of any less value.

Construction, short title, application, and repeal. 39 & 40 Viet. c. 36.

49.—(1) Part I. of this Act, so far as it relates to duties of customs, shall be construed together with the Customs (Consolidation) Act, 1876, and any enactments amending that Act, and, so far as it relates to duties of excise, shall be construed together with the Acts which relate to the duties of excise and the management of those duties.

Part II. of this Act shall be construed together with the Income Tax Acts and the Acts relating to inhabited house duty.

Part III. of this Act shall be construed together with Part III. of the Finance (No. 2) Act, 1915.

(2) This Act may be cited as the Finance Act, 1922.

(3) Such of the provisions of this Act as relate to matters with respect to which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.

(4) The enactments set out in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule, but this repeal shall not, as respects the enactments mentioned in Part II. of that schedule, come into operation until the sixth day of April, nineteen hundred and twenty-three.

SCHEDULES.

FIRST SCHEDULE.

Section 21.

1. A company which is aggrieved by any direction given under section twenty-one of this Act may appeal to the Special Commissioners against the direction by giving notice of appeal to the Clerk to the Commissioners within twenty-one days after the date of the notice, and the Commissioners shall hear and determine the appeal, subject as herein provided, and the provisions of the Income Tax Acts relating to appeals against assessments shall, with any necessary modification, apply for the purposes of an appeal under this provision.

2. If either the Company or the Commissioners of Inland Revenue are dissatisfied with the determination of the Special Commissioners on any appeal under the foregoing provisions of this schedule, they may, on giving notice to the Clerk to the Special Commissioners within twenty-one days after the determination, require the appeal to be reheard by the Board of Referees and the Special Commissioners shall transmit to the Board any document in their possession which was delivered to them for the purposes of the appeal.

The Board shall rehear and determine the appeal and shall have and exercise the same powers and authorities in relation to the appeal as the Special Commissioners might have and exercise, and the determination of the Board thereon shall be final and conclusive:

Provided that section one hundred and forty-nine of the Income Tax Act, 1918 (which relates to the statement of a case on a point of law), shall apply with the necessary modifications in the case of any such rehearing and determination as it applies in the case of appeals to the General or Special Commissioners under the said Act.

3. The provisions of subsection (6) of section seven of the Income Tax Act, 1918, relating to the representation of the Crown on super-tax appeals shall, with the necessary modifications, apply to any appeal under this schedule.

4. The Special Commissioners may, at any time by notice in writing, require any company which appears to them to be a company to which section twenty-one of this Act applies, to furnish them with—

(*a*) a statement of the actual income of the company from all sources, together with a copy of the company's

accounts for any year or other period for which the company's accounts have been made up and such particulars as the Commissioners may reasonably require as to the income of the company and the manner in which the income has been dealt with; and

(*b*) a statement for the same period of the names and addresses and particulars of the respective interests of all members of the company.

5. Where the Special Commissioners have issued a notice requiring a company to furnish them with particulars under paragraph 4 of this schedule as respects any year or other period, and the auditor of the accounts of the company is a member of an incorporated society of accountants, the directors may, if they think fit, make and submit to the auditor such a statutory declaration as is hereinafter mentioned, and in such case the following provisions shall have effect:

(*a*) The directors of the company shall make a statutory declaration as to—

(i) The amount which they regard, or regarded, as proper to be retained in the business out of the income of that year or other period; and

(ii) The amount (if any) which they propose to recommend for distribution, or which has been distributed;

setting out the reasons for such retention and giving such information as will enable the auditor to form an opinion whether the amount (if any) proposed for distribution or distributed, having regard to such requirements as are mentioned in the proviso to subsection (1) of the said section twenty-one, would be, or was, a reasonable part of the income for such year or other period;

(*b*) If the auditor—

(i) is satisfied that the information disclosed in the declaration is sufficient to enable him to form an opinion as to whether the proposed distribution or distribution (if any) would be or was a reasonable part of the income for such year or other period as aforesaid; and

(ii) is satisfied that a primâ facie case is made out by the reasons and information given in the declaration that the proposed distribution or distribution (if any) would be or was reasonable;

he may so certify:

(c) The certificate, together with the statutory declaration, shall be sent to the Special Commissioners who, unless they see reason to the contrary, shall take no further action in the matter.

6. In computing the actual income from all sources of a company for any year or period, the income from any source shall be estimated in accordance with the provisions of the Income Tax Acts relating to the computation of income from that source; except that the income shall be computed by reference to the income for such year or period as aforesaid and not according to an average of more than one year or by reference to any year or period other than such year or period as aforesaid.

7. If any company fails or refuses on being so required in accordance with the provisions of this schedule to furnish a statement of actual income from all sources or renders a statement with which the Special Commissioners are not satisfied, the Commissioners may make an estimate of that income to the best of their judgment.

8. The apportionment of the actual income from all sources of the company shall be made by the Special Commissioners in accordance with the respective interests of the members, and the income as apportioned to each member shall, for the purposes of super-tax, be deemed to represent his income from his interest in the company for the year or other period and shall be included in the statement of his total income or in an amended statement of total income which the Special Commissioners are hereby authorised to require and shall be deemed to be the highest part of that income.

9. The income apportioned to a member of a company under section twenty-one of this Act shall, for the purposes of super-tax, be deemed to have been received by him at the date to which the accounts of the company for the year or period were made up.

10. Notice of any apportionment made by the Special Commissioners shall be given by serving on the company a statement showing the amount of the actual income from all sources adopted by them for the purposes of section twenty-one of this Act, and either the amount apportioned to each member or the amount apportioned to each class of shares, as they think fit.

A company which is aggrieved by any notice of apportionment shall be entitled to appeal to the Special Commissioners on giving notice to their clerk within twenty-one days after the

date of the notice, and those Commissioners shall hear and determine the appeal and all the provisions of the Income Tax Acts and any regulations made thereunder relating to appeals against assessments and to cases to be stated for the opinion of the High Court shall, with any necessary modification, apply for the purposes of any such appeal.

11. Any person in whose name any shares of a company are registered shall, if required by notice in writing by the Special Commissioners, state whether or not he is the beneficial owner of those shares, and if not the beneficial owner of those shares or any of them shall furnish the name and address of the person or persons on whose behalf the shares are registered in his name.

If any person on being so required neglects or fails to comply with the notice within the time limited by the notice, he shall be liable to a penalty of twice the amount of super-tax that would be chargeable at the highest rate in respect of the amount of the income apportioned to such shares.

12. In this schedule the expression "Board of Referees" means the Board of Referees for the purposes of Rule 6 of the rules applicable to Cases I. and II. of Schedule D.

Section 32.

SECOND SCHEDULE.

PROCEDURE IN CONNECTION WITH THE DETERMINATION OF ANNUAL VALUES FOR THE PURPOSES OF INCOME TAX UNDER SCHEDULE A. AND INHABITED HOUSE DUTY FOR 1923–24.

(1) The General Commissioners shall, not later than thirty days after the commencement of this Act, appoint persons to be assessors of income tax chargeable under Schedules A. and B. and of inhabited house duty for the year 1923–24, issue the necessary instructions to the assessors so appointed, and appoint a day not later than the thirtieth day of November, nineteen hundred and twenty-two, for the assessors so appointed to appear before them and bring in certificates of their assessments of the said annual values.

(2) General and particular notices shall be issued requiring the statements containing the particulars prescribed by the Income Tax Acts, and the provisions of the Income Tax Acts relating to notices to deliver, the delivery of, and penalties for neglecting to deliver statements and declarations shall apply.

(3) The statements so to be prepared and delivered shall contain particulars relative to the year 1922–23, and the said annual values shall be estimated and determined as for the year 1922–23.

(4) The provisions of sections one hundred and twenty and one hundred and twenty-five of the Income Tax Act, 1918, and of section fifty-two (as amended by subsection (2) of section twenty-three of the Finance Act, 1907), and section fifty-six of the Taxes Management Act, 1880, shall, with the necessary modifications, apply with regard to the annual values to be estimated and determined in accordance with the foregoing provisions, and the General Commissioners shall cause notice of such assessments of annual values to be given.

(5) The provisions of subsections (1) and (2) of section one hundred and thirty-four of the Income Tax Act, 1918, and the provisions of the Income Tax Acts relating to appeals against assessments to income tax under Schedule A shall, with the necessary modifications, apply to notices to be given and to appeals in respect of annual values assessed under the foregoing provisions for the purposes of income tax under Schedule A; and the relevant provisions of the Acts relating to inhabited house duty shall apply to notices to be given and to appeals in respect of annual values so assessed for the purposes of that duty.

THIRD SCHEDULE.

Section 49.

ENACTMENTS REPEALED.

PART I.

Session and Chapter.	Short Title.	Extent of Repeal.
8 & 9 Geo. 5. c. 40.	The Income Tax Act, 1918.	Rule 2 of the Rules applicable to Case III. of Schedule D. In Rule 1 of the Rules applicable to Schedule E the words "except as otherwise provided," and Rule 4 of the same Rules.

PART II.

Session and Chapter.	Short Title.	Extent of Repeal.
8 & 9 Geo. 5. c. 40.	The Income Tax Act, 1918.	Paragraph (3) of Rule 8 of No. V. in Schedule A.
9 & 10 Geo. 5. c. 32.	The Finance Act, 1919 -	Section nineteen.
10 & 11 Geo. 5. c. 18.	The Finance Act, 1920 -	Section twenty-nine.

CHAPTER 18.

An Act to provide that a woman who wilfully causes the death of her newly-born child may, under certain conditions, be convicted of infanticide. [20th July 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Conviction for infanticide in certain cases.

1.—(1) Where a woman by any wilful act or omission causes the death of her newly-born child, but at the time of the act or omission she had not fully recovered from the effect of giving birth to such child, and by reason thereof the balance of her mind was then disturbed, she shall, notwithstanding that the circumstances were such that but for this Act the offence would have amounted to murder, be guilty of felony, to wit of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of such child.

(2) Where upon the trial of a woman for the murder of her newly-born child, the jury are of opinion that she by any wilful act or omission caused its death, but that at the time of the act or omission she had not fully recovered from the effect of giving birth to such child, and that by reason thereof the balance of her mind was then disturbed, the jury may, notwithstanding that the circumstances were such that but for the provisions of this Act they might have returned a verdict of murder, return in lieu thereof a verdict of infanticide.

(3) Nothing in this Act shall affect the power of the jury upon an indictment for the murder of a newly-born child to return a verdict of manslaughter, or a verdict of guilty but insane, or a verdict of concealment of birth, in pursuance of section sixty of the Offences against the Person Act, 1861. 24 & 25 Vict. c. 100. s. 60.

(4) The said section sixty shall apply in the case of the acquittal of a woman upon indictment for infanticide as it applies upon the acquittal of a woman for murder, and upon the trial of any person over the age of sixteen for infanticide it shall be lawful for the jury, if they are satisfied that the accused is guilty of an offence under section twelve of the Children's Act, 1908, to find the accused guilty of such an offence, and in that case that section shall apply accordingly. 8 Edw. 7. c. 67.

2.—(1) This Act may be cited as the Infanticide Act, 1922. Short title and extent.

(2) This Act shall not extend to Scotland or Ireland.

CHAPTER 19.

An Act to repeal section two of the Gaming Act, 1835. [20th July 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Section two of the Gaming Act, 1835 (which makes money paid to the indorsee, holder, or assignee of securities given for consideration arising out of certain gaming transactions recoverable from the person to whom the securities were originally given), is hereby repealed. No trustee, executor, or other person acting in a representative or fiduciary capacity shall be under any obligation to make or enforce any claim under the said section in respect of any transaction completed before the passing of this Act, or be liable for any breach of duty by reason of any failure to do so. No action for the recovery of money under the said section shall be entertained in any court. Repeal of 5 & 6 Wm. 4. c. 41. s. 2.

2. This Act may be cited as the Gaming Act, 1922. Short title.

CHAPTER 20.

An Act to make further provision with respect to the qualifications of Judges of High Courts in British India. [20th July 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of s. 101 (3) (*d*) of the Government of India Act.

1. Subsection (3) of section one hundred and one of the Government of India Act (which relates to the qualifications to be possessed by a judge of a high court) shall have effect, and shall, as from the first day of April, nineteen hundred and twenty-one, be deemed to have had effect, as though the following paragraph were substituted for paragraph (*d*) of that subsection:—

"(*d*) a person who has been a pleader of one of the high courts referred to in this Act, or of any court which is a high court within the meaning of clause (24) of section three of the Act of the Indian Legislature known as the General Clauses Act, 1897, for an aggregate period of not less than ten years."

Short title.

2. This Act may be cited as the Indian High Courts Act, 1922.

CHAPTER 21.

An Act for enabling effect to be given to two Treaties signed at Washington on behalf of His Majesty and certain other Powers. [20th July 1922.]

WHEREAS at Washington on the sixth day of February, nineteen hundred and twenty-two, two treaties were signed on behalf of His Majesty, the one (being a Treaty for the Limitation of Naval Armament) containing among other provisions, the provisions set out in the First Schedule to this Act, and the other (being a treaty to protect neutrals and non-combatants at sea in time of war and to prevent use in war of noxious gases

and chemicals) containing among other provisions the provisions set forth in the Second Schedule to this Act:

And whereas it is expedient to give effect to the provisions so set forth in manner hereafter appearing:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Restriction on building, &c., vessels of war.

1.—(1) No person shall, without a licence from the Admiralty—

(*a*) within any part of His Majesty's Dominions to which this Act applies, build any vessel of war, or alter, arm or equip any ship so as to adapt her for use as a vessel of war; or

(*b*) despatch or deliver, or allow to be despatched or delivered, from any place within any part of His Majesty's Dominions to which this Act applies any ship which has been so built, altered, armed, or equipped as aforesaid either entirely or partly within His Majesty's Dominions:

Provided that a licence for any such purpose shall not be refused by the Admiralty unless it appears to the Admiralty necessary to do so for the purpose of securing the observance of the obligations imposed by the first-mentioned Treaty, and where a licence is granted subject to conditions, the conditions shall be such only as may appear necessary to the Admiralty for the purpose aforesaid.

(2) An application for a licence under this section shall be accompanied by such designs and particulars as the Admiralty may require.

(3) The Admiralty may, by warrant, empower any person to enter any dockyard, shipyard, or other place, and to make inquiries respecting any ship being built, altered, armed, or equipped therein, with a view to ascertaining whether any ship is being built, altered, armed, or equipped contrary to this Act, and to search any such ship.

(4) If any question arises as to whether a ship is a vessel of war, or whether any alteration, arming, or equipment of a ship is such as to adapt her for use as

a vessel of war, the question shall be referred to and determined by the Admiralty whose decision shall be final.

Legal proceedings.

2.—(1) If any person contravenes the foregoing provisions of this Act, or contravenes or fails to comply with any condition subject to which a licence under this Act is granted, he shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment with or without hard labour for a term not exceeding two years, or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine, and the ship in respect of which the offence is committed and her equipment shall be liable to forfeiture to His Majesty.

(2) Where the person guilty of such an offence is a company or corporation, every director and manager of the company or corporation shall be guilty of the like offence and liable to the like penalties, unless he proves that the act or omission constituting the offence took place without his knowledge and consent.

(3) Where any such offence has been committed by any person by reason whereof a ship or the equipment thereof has become liable to forfeiture, proceedings may be instituted contemporaneously or not, as may be thought fit, against the offender in any court having jurisdiction of the offence, and against the ship, or ship and equipment, for the forfeiture in a court having jurisdiction in Admiralty; but it shall not be necessary to take proceedings against the offender because proceedings are instituted for the forfeiture, or to take proceedings for the forfeiture because proceedings are taken against the offender.

57 & 58 Vict. c. 60.

(4) Section seventy-six of the Merchant Shipping Act, 1894 (which relates to the forfeiture of ships), as amended by any subsequent enactment, shall apply to ships which have become subject to forfeiture under this Act in like manner as it applies to ships subject to forfeiture under Part I. of that Act.

(5) If the Admiralty are satisfied that there is reasonable ground for believing that a ship has been or is being built, altered, armed, or equipped contrary to this Act, or about to be despatched or delivered in contravention of this Act, the Admiralty shall have power to issue a warrant ordering any such officer as is mentioned in the said section seventy-six to seize and search the ship, and

to detain the ship, and section six hundred and ninety-two of the Merchant Shipping Act, 1894, relating to the detention of ships under that Act, shall apply to the detention of ships under this Act.

(6) No proceedings shall be instituted in respect of any such offence as aforesaid without the consent of the Admiralty.

Saving of 33 & 34 Vict. c. 90.

3. The foregoing provisions of this Act shall be in addition to and not in derogation of the provisions of the Foreign Enlistment Act, 1870.

Trial and punishment for violation of rules as to warfare against commerce.

4. Any person in the service of any Power who violates any of the rules contained in Article I. set forth in the Second Schedule to this Act, whether or not such person is under a governmental superior, shall be deemed to have violated the laws of war, and shall be liable to trial and punishment as if for an act of piracy, and if found within His Majesty's Dominions, may be brought to trial before any civil or military tribunal who would have had jurisdiction to deal with the case if the act had been an act of piracy.

Extent of Act.

5.—(1) This Act shall extend to the whole of His Majesty's Dominions, except India and the self-governing Dominions, that is to say, the Dominion of Canada, the Commonwealth of Australia (including for this purpose Papua and Norfolk Island), the Dominion of New Zealand, the Union of South Africa, and Newfoundland, and, after the constitution of the Irish Free State, the Irish Free State:

Provided that, in the application of this Act to any part of His Majesty's Dominions outside the United Kingdom, for references to "the Admiralty" there shall be substituted references to "the governor of the possession."

(2) His Majesty may, by Order in Council, extend the provisions of this Act to any British protectorate, subject to such modifications as may be contained in the Order.

Short title and commencement.

6.—(1) This Act may be cited as the Treaties of Washington Act, 1922.

(2) This Act shall come into operation on such day as may be fixed by Order of His Majesty in Council.

SCHEDULES.

Preamble.

FIRST SCHEDULE.

ARTICLES OF TREATY FOR THE LIMITATION OF NAVAL ARMAMENT.

ARTICLE V.

No capital ship exceeding 35,000 tons (35,560 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers.

ARTICLE VI.

No capital ship of any of the Contracting Powers shall carry a gun with a calibre in excess of 16 inches (406 millimetres).

ARTICLE IX.

No aircraft carrier exceeding 27,000 tons (27,432 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers.

* * * *

ARTICLE X.

No aircraft carrier of any of the Contracting Powers shall carry a gun with a calibre in excess of 8 inches (203 millimetres). Without prejudice to the provisions of Article IX., if the armament carried includes guns exceeding 6 inches (152 millimetres) in calibre the total number of guns carried, except anti-aircraft guns and guns not exceeding 5 inches (127 millimetres), shall not exceed ten. If alternatively the armament contains no guns exceeding 6 inches (152 millimetres) in calibre, the number of guns is not limited. In either case the number of anti-aircraft guns and of guns not exceeding 5 inches (127 millimetres) is not limited.

ARTICLE XI.

No vessel of war exceeding 10,000 tons (10,160 metric tons) standard displacement, other than a capital ship or aircraft carrier, shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers.

Vessels not specifically built as fighting ships nor taken in time of peace under Government control for fighting purposes, which are employed on fleet duties or as troop transports or in some other way for the purpose of assisting in the prosecution of hostilities otherwise than as fighting ships, shall not be within the limitations of this Article.

ARTICLE XII.

No vessel of war of any of the Contracting Powers, hereafter laid down, other than a capital ship, shall carry a gun with a calibre in excess of 8 inches (203 millimetres).

ARTICLE XIV.

No preparations shall be made in merchant ships in time of peace for the installation of warlike armaments for the purpose of converting such ships into vessels of war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6-inch (152 millimetres) calibre.

ARTICLE XV.

No vessel of war constructed within the jurisdiction of any of the Contracting Powers for a non-Contracting Power shall exceed the limitations as to displacement and armament prescribed by the present Treaty for vessels of a similar type which may be constructed by or for any of the Contracting Powers; provided, however, that the displacement for aircraft carriers constructed for a non-Contracting Power shall in no case exceed 27,000 tons (27,432 metric tons) standard displacement.

ARTICLE XVI.

If the construction of any vessel of war for a non-Contracting Power is undertaken within the jurisdiction of any of the Contracting Powers, such Power shall promptly inform the other Contracting Powers of the date of the signing of the contract and the date on which the keel of the ship is laid; and shall also communicate to them the particulars relating to the ship prescribed in Chapter II., Part 3, Section 1 (*b*), (4) and (5).

ARTICLE XVIII.

Each of the Contracting Powers undertakes not to dispose by gift, sale or any mode of transfer of any vessel of war in such a manner that such vessel may become a vessel of war in the navy of any foreign Power.

CHAPTER II.—PART 3.—SECTION 1.

(*b*) Each of the Contracting Powers shall communicate promptly to each of the other Contracting Powers the following information:—

* * * *

(4) The standard displacement in tons and metric tons of each new ship to be laid down, and the principal dimensions, namely, length at waterline, extreme beam at or below waterline, mean draught at standard displacement.

(5) The date of completion of each new ship and its standard displacement in tons and metric tons, and the principal dimensions, namely, length at waterline, extreme beam at or below waterline, mean draught at standard displacement, at time of completion.

PART 4.—DEFINITIONS.

For the purposes of the present Treaty, the following expressions are to be understood in the sense defined in this Part.

Capital Ship.

A capital ship, in the case of ships hereafter built, is defined as a vessel of war, not an aircraft carrier, whose displacement exceeds 10,000 tons (10,160 metric tons) standard displacement, or which carries a gun with a calibre exceeding 8 inches (203 millimetres).

Aircraft Carrier.

An aircraft carrier is defined as a vessel of war with a displacement in excess of 10,000 tons (10,160 metric tons) standard displacement designed for the specific and exclusive purpose of carrying aircraft. It must be so constructed that aircraft can be launched therefrom and landed thereon, and not designed and constructed for carrying a more powerful armament than that allowed to it under Article IX. or Article X. as the case may be.

Standard Displacement.

The standard displacement of a ship is the displacement of the ship complete, fully manned, engined, and equipped ready for sea, including all armament and ammunition, equipment, outfit, provisions and fresh water for crew, miscellaneous stores and implements of every description that are intended to be carried in war, but without fuel or reserve feed water on board.

The word "ton" in the present Treaty, except in the expression "metric tons," shall be understood to mean the ton of 2,240 pounds (1,016 kilo.).

Vessels now completed shall retain their present ratings of displacement tonnage in accordance with their national system of measurement. However, a Power expressing displacement in metric tons shall be considered for the application of the present Treaty as owning only the equivalent displacement in tons of 2,240 pounds.

A vessel completed hereafter shall be rated at its displacement tonnage when in the standard condition defined herein.

SECOND SCHEDULE.

Section 4.

ARTICLES OF TREATY TO PROTECT NEUTRALS AND NON-COMBATANTS AT SEA IN TIME OF WAR, AND TO PREVENT USE IN WAR OF NOXIOUS GASES AND CHEMICALS.

ARTICLE I.

The Signatory Powers declare that among the rules adopted by civilised nations for the protection of the lives of neutrals and non-combatants at sea in time of war, the following are to be deemed an established part of international law :—

1. A merchant vessel must be ordered to submit to visit and search to determine its character before it can be seized.

A merchant vessel must not be attacked unless it refuse to submit to visit and search after warning, or to proceed as directed after seizure.

A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety.

2. Belligerent submarines are not under any circumstances exempt from the universal rules above stated ; and if a submarine cannot capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and from seizure and to permit the merchant vessel to proceed unmolested.

ARTICLE III.

The Signatory Powers, desiring to ensure the enforcement of the humane rules of existing law declared by them with respect to attacks upon and the seizure and destruction of merchant ships, further declare that any person in the service of any Power who shall violate any of those rules, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy and may be brought to trial before the civil or military authorities of any Power within the jurisdiction of which he may be found.

CHAPTER 22.

An Act to provide for the time in Great Britain, Northern Ireland, the Channel Islands, and the Isle of Man being in advance of Greenwich mean time during a certain period of the year.

[20th July 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Advance of time during certain period.

1.—(1) The time for general purposes in Great Britain shall, during the period of summer time, be one hour in advance of Greenwich mean time.

(2) Wherever any reference to a point of time occurs in any enactment, Order in Council, order, regulation, rule, byelaw, deed, notice or other document whatsoever, the time referred to shall, during the period of summer time, be deemed, subject as hereinafter provided, to be the time as fixed for general purposes by this Act.

(3) Nothing in this Act shall affect the use of Greenwich mean time for purposes of astronomy, meteorology, or navigation, or affect the construction of any document mentioning or referring to a point of time in connection with any of those purposes.

Application to Northern Ireland, Channel Islands and Isle of Man.

10 & 11 Geo. 5. c. 67.

2.—(1) This Act shall apply to Northern Ireland, the Channel Islands and the Isle of Man in like manner as it applies to Great Britain.

(2) For the purposes of section six of the Government of Ireland Act, 1920, this Act in its application to Northern Ireland shall be deemed to be an Act passed before the appointed day.

Interpretation, short title and duration.

3.—(1) For the purposes of this Act, the period of summer time shall be taken to be the period beginning at two o'clock, Greenwich mean time, in the morning of the day next following the third Saturday in April, or,

if that day is Easter Day, the day next following the second Saturday in April, and ending at two o'clock, Greenwich mean time, in the morning of the day next following the third Saturday in September.

(2) This Act may be cited as the Summer Time Act, 1922.

(3) This Act shall continue in force until the thirty-first day of December, nineteen hundred and twenty-three, and no longer, unless Parliament otherwise determines, and nothing in this Act shall affect the operation of the Summer Time Act, 1916, or any Order in Council made under that Act. 6 & 7 Geo. 5. c. 14.

CHAPTER 23.

An Act to amend and extend the duration of the Harbours, Docks, and Piers (Temporary Increase of Charges) Act, 1920. [20th July 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Application of the principal Act to railway docks. 10 & 11 Geo. 5. c. 21.

1.—(1) Proviso (*b*) of subsection (1) of section one of the Harbours, Docks, and Piers (Temporary Increase of Charges) Act, 1920 (hereinafter referred to as the principal Act), shall not apply to any port, harbour, dock or pier forming part of the undertaking of a railway company, but in considering any modification of the statutory provisions regulating the charges to be made by any railway company in respect of any such port, harbour, dock or pier, regard shall also be had to the charges in force at similar ports, harbours, docks or piers (whether forming part of the undertaking of a railway company or not), and no modification of such statutory provisions shall be authorised which would increase the charges beyond such amounts as the railway company were at the passing of this Act entitled to charge by virtue of section three of the Ministry of Transport Act, 1919. 9 & 10 Geo. 5. c. 50.

(2) No order shall be made under the principal Act as amended by this Act modifying as respects any period after the fifteenth day of February, nineteen hundred and twenty-three, any statutory provisions regulating the charges to be made in respect of any port, harbour, dock, or pier undertaking, unless an application for an order is made to the Minister of Transport before the first day of November, nineteen hundred and twenty-two, and any order made on any such application may modify such provisions not only as respects a period after, but also as respects the period up to and including, the said fifteenth day of February, and may revise the power of charging authorised by any previous order made under the principal Act:

Provided that this provision shall not apply as respects orders to be made by way of renewal, whether with or without modification, of orders in force after the said fifteenth day of February.

Short title, construction, extent, and duration.

2.—(1) This Act may be cited as the Harbours, Docks, and Piers (Temporary Increase of Charges) Act, 1922, and the principal Act and this Act may be cited together as the Harbours, Docks, and Piers (Temporary Increase of Charges) Acts, 1920 to 1922.

(2) No order made under the principal Act, as amended by this Act, relating to the charges of the undertakings covered by this Act shall be made so as to remain operative for a longer period than twelve months, but shall be renewable with or without modification by a further order.

(3) The principal Act, as amended by this Act, shall have effect and be deemed always to have had effect as if the expression "pier" included a wharf, quay or jetty.

(4) This Act shall not extend to Ireland.

(5) The principal Act, as amended by this Act, shall have effect until the fifteenth day of February, nineteen hundred and twenty-five, and subsection (4) of section eighty of the Railways Act, 1921 (which continues the rates advisory committee in existence so long as it may be necessary for the purposes of references under the principal Act), shall have effect accordingly.

11 & 12 Geo. 5. c. 55.

CHAPTER 24.

An Act to authorise the Treasury to guarantee payment of the principal of and the interest on loans to be raised by the Government of Northern Ireland. [20th July 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Power to Treasury to guarantee loan.

1.—(1) Subject to the provisions of this Act, the Treasury may guarantee in such manner as they think fit payment of the principal of and the interest on any loans raised by the Government of Northern Ireland, not exceeding in the aggregate an amount sufficient to raise three million five hundred thousand pounds.

(2) A guarantee shall not be given under this Act until the Government of Northern Ireland have provided to the satisfaction of the Treasury—

(*a*) For charging on the Consolidated Fund of Northern Ireland and the growing produce thereof the principal of and the interest on any such loans, and any sinking fund payments for the repayment of the principal of any such loans;

(*b*) For charging on the Consolidated Fund of Northern Ireland and the growing produce thereof immediately after the last-mentioned charge the repayment to the Treasury of any sum issued out of the Consolidated Fund of the United Kingdom under this Act on account of a guarantee given under this Act, with interest thereon at such rate as the Treasury may fix :

(*c*) For raising or securing the raising of sufficient money to meet the above charges.

(3) Any sums required by the Treasury for fulfilling a guarantee given under this Act shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof, and any sums paid on account of the repayment of any amount so issued out of the said Fund shall be paid into the Exchequer.

(4) The Treasury shall lay before both Houses of Parliament a statement of any guarantee given under this Act and an account of any sums issued out of the Consolidated Fund of the United Kingdom for the purpose of any such guarantee, in each case as soon as may be after the guarantee is given or the sums are issued.

Short title.

2. This Act may be cited as the Government of Northern Ireland (Loan Guarantee) Act, 1922.

CHAPTER 25.

An Act to remove doubts as to the powers of the Board of Trade under the British Empire Exhibition (Guarantee) Act, 1920.

[20th July 1922.]

10 & 11 Geo. 5. c. 74.

WHEREAS by the British Empire Exhibition (Guarantee) Act, 1920, power was conferred on the Board of Trade to undertake, subject to the provisions of that Act, to guarantee loss resulting from the holding of a British Empire Exhibition which it was then proposed to hold in London in the year nineteen hundred and twenty-three:

And whereas it is now proposed to hold the said exhibition in or near London in the year nineteen hundred and twenty-four, or as soon thereafter as may be:

And whereas doubts have arisen as to whether the powers of the Board of Trade under the said Act extend to the said exhibition in the altered circumstances:

Be it, therefore, enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Powers of the Board of Trade.

1. It is hereby declared that the powers of the Board of Trade under the said Act of 1920 extend to the said exhibition, notwithstanding any such alteration as is hereinbefore referred to in the proposed place and date thereof.

Short title.

2. This Act may be cited as the British Empire Exhibition (Amendment) Act, 1922.

CHAPTER 26.

An Act to provide money for the payment of calls on share capital in the Anglo-Persian Oil Company, Limited, acquired under the Anglo-Persian Oil Company (Acquisition of Capital) Amendment Act, 1919, and to amend the law with respect to the application of dividends or interest on capital held in the said Company.

[20th July 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Provision of money for purpose of paying calls on shares in the Anglo-Persian Oil Company.
4 & 5 Geo. 5. c. 37.
9 & 10 Geo. 5. c. 86.

1. In addition to the sums authorised to be issued out of the Consolidated Fund under the Anglo-Persian Oil Company (Acquisition of Capital) Act, 1914, and the Anglo-Persian Oil Company (Acquisition of Capital) Amendment Act, 1919 (in this Act referred to as "the Act of 1919"), for the purpose of acquiring share or loan capital of the Anglo-Persian Oil Company, Limited, the Treasury may, as and when they think fit, issue out of the Consolidated Fund or the growing produce thereof such further sums, not exceeding in the whole nine hundred and fifty thousand pounds, as may be required for the purpose of meeting any calls payable in respect of shares in the said Company acquired under the Act of 1919 but not paid up in full.

Power for Treasury to raise money.

2.—(1) For the purpose of providing for the issue of sums out of the Consolidated Fund under this Act, or for the repayment to that Fund of the whole or any part of the sums issued out of that Fund under this Act, or for the paying off or redemption of any securities issued under this section, the Treasury may, if they think fit, at any time create and issue such securities, bearing such rate of interest and subject to such conditions as to repayment, redemption or otherwise, as they think fit, and all sums raised by any issue of securities under this section shall be paid into the Exchequer.

(2) The principal of and interest on any securities issued under this section shall be charged on and payable out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

Application of dividends on capital in the company.

3.—(1) So long as any sums raised under the Act of 1919 or this Act are outstanding, an amount equal to the sums received by way of dividend or interest on any capital acquired under the Anglo-Persian Oil Company (Acquisition of Capital) Act, 1914, or the Act of 1919, after deducting from those sums the amount required from time to time for the payment of the interest on any securities issued under the Act of 1919 or this Act, or for the repayment of any advance made for the purpose of paying any such interest, shall, in accordance with the directions of the Treasury, be issued out of the Exchequer to the National Debt Commissioners for the purpose of being applied by the Commissioners, as and when they think fit, in purchasing, paying off, or redeeming any securities issued under the Act of 1919 or this Act.

Any sums received by the Commissioners under the foregoing provision shall, until applied by them as aforesaid, be accumulated and invested in accordance with the directions of the Treasury, and any securities purchased, paid off, or redeemed shall be cancelled.

(2) Subsection (2) of section three of the Act of 1919 is hereby repealed.

Short title.

4. This Act may be cited as the Anglo-Persian Oil Company (Payment of Calls) Act, 1922.

CHAPTER 27.

An Act for the continuance of Charging Powers in respect of Canal or Inland Navigation Undertakings of which possession was retained or taken by the Minister of Transport under the Ministry of Transport Act, 1919.

[20th July 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Extension of period during which charging powers may be continued. 9 & 10 Geo. 5. c. 50.

1.—(1) In the case of canal or inland navigation undertakings of which possession was retained or taken by the Minister of Transport under the powers contained in section three of the Ministry of Transport Act, 1919, paragraph (*e*) of subsection (1) of that section (which continues the powers of making charges directed by the Minister in pursuance of that section) shall have effect as if for the words "for a further period of eighteen months after the expiration of the said period" there were substituted the words "thereafter until the fifteenth "day of February, nineteen hundred and twenty-five."

(2) If at any time during the continuance under this Act of the powers of making charges so directed as aforesaid it appears to the Minister that, owing to changes in the cost of labour and materials or other circumstances affecting a canal or inland navigation undertaking, of which possession was so retained or taken as aforesaid, the powers of charging are excessive or insufficient, the Minister may, and, if representations are made to him by a chamber of commerce or agriculture or by any other representative body of traders concerned or by a local authority or by the undertakers, he shall refer the matter to the rates advisory committee constituted under section twenty-one of the Ministry of Transport Act, 1919, and the Minister may, after considering any report of the committee, make an order revising the powers of charging, so however that the revised maximum charges shall not, in the case of any undertaking, be less than the maximum charges authorised by any statutory provision in force immediately before the directions of the Minister relating to the charges of that undertaking were originally issued, or more than the charges which the undertakers were entitled to make at the passing of this Act.

9 & 10 Geo. 5. c. 50.

(3) The provisions of sections two, three, and four of the Harbours, Docks, and Piers (Temporary Increase of Charges) Act, 1920 (which relate to the proceedings of the Rates Advisory Committee, and the employment of accountants and persons and as to costs, &c., and as to applications for an order, respectively), shall apply to applications for and the making of orders under this Act

10 & 11 Geo. 5. c. 21.

in like manner as they apply to applications for and the making of orders under that Act.

Short title and extent.

2.—(1) This Act may be cited as the Canals (Continuance of Charging Powers) Act, 1922.

(2) This Act shall not extend to Ireland.

CHAPTER 28.

An Act to amend the enactments relating to the provision of regulations for the making and sale of bread, and for preventing the adulteration of meal, flour, and bread. [20th July 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of 3 Geo. 4. c. cvi. and 6 & 7 Will. 4. c. 37, so as to permit sale of self-raising flour.

1. Nothing in the Acts relating to the manufacture or sale of bread within or without the City of London and the liberties thereof shall be deemed to prohibit the addition to any flour of any ingredient or mixture for the purpose of making such flour self-raising or the addition to such self-raising flour of ingredients suitable for the making of cakes or puddings, or the sale or offer or exposure for sale of any flour to which any such ingredient or mixture has been added.

Power to make regulations prohibiting or restricting the use of prescribed ingredients. 7 Edw. 7. c. 32.

2. The power of the Minister of Health to make regulations under the Public Health (Regulations as to Food) Act, 1907, shall include a power to make regulations prohibiting or restricting the use for the purpose aforesaid of any such ingredient or mixture as may be prescribed, and prescribing the descriptions under which any flour to which any such ingredient or mixture has been added may be sold.

Saving of Sale of Food and Drugs Acts, 1875 to 1907.

3. Nothing in this Act shall prejudice or affect the operation of the Sale of Food and Drugs Acts, 1875 to 1907.

4. This Act shall apply to Scotland with the substitution for "the Minister of Health" of "the Scottish Board of Health." Scotland.

5. This Act shall not extend to Ireland. Ireland.

6. This Act may be cited as the Bread Acts Amendment Act, 1922. Short title.

CHAPTER 29.

An Act to provide for the better protection of the public in relation to the sale of tea.

[20th July 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) A person shall not, either by himself or by any servant or agent, sell by retail any tea, whether contained in a package or not, otherwise than by net weight, and in ounces or pounds or in multiples of ounces or pounds. Conditions to be observed on sale of tea.

(2) A person shall not, either by himself or by any servant or agent, sell or have in his possession for sale by retail any tea packed ready for sale unless the package bears thereon or on a wrapper band or label affixed thereto a true statement of the net weight of the tea contained in the package.

(3) If any person acts in contravention of this section, he shall be liable on summary conviction to a fine not exceeding, in the case of a first offence five pounds, in the case of a second offence fifty pounds, and in the case of a third or subsequent offence one hundred pounds.

(4) This section shall not apply to any sale of less than two ounces of tea, which does not purport to be a sale of two ounces or more, or to any package which contains less than two ounces of tea, and which does not purport to contain two ounces or more.

Power of inspector to weigh packages.

2.—(1) Where any person has in his possession for sale by retail any tea packed ready for sale, he shall, if so requested by any person duly authorised in that behalf by the local authority, weigh the contents of any package in the presence of that person, or permit that person himself to weigh the contents.

(2) If any person refuses to comply with a request made under this section, or in any other manner obstructs any person duly authorised as aforesaid in the execution of his powers and duties under this section, he shall be liable on summary conviction to a fine not exceeding five pounds.

Execution of Act by local authorities.

3.—(1) For the purposes of this Act, the local authority shall be the local authority for the purposes of the Weights and Measures Acts, 1878 to 1919, and the expenses of a local authority under this Act shall be defrayed in the same manner as the expenses of a local authority under those Acts.

(2) It shall be lawful for a local authority to execute and enforce the provisions of this Act and, except in Scotland, to take proceedings for any offence against this Act.

Defence of warranty.
38 & 39 Vict. c. 63.
62 & 63 Vict. c. 51.

4. The provisions of section twenty-five of the Sale of Food and Drugs Act, 1875, and of section twenty of the Sale of Food and Drugs Act, 1899, as set out with the appropriate modifications in the Schedule to this Act, are hereby incorporated with this Act and shall apply to proceedings for offences against this Act as they apply to proceedings for offences against the Sale of Food and Drugs Acts, 1875 to 1907.

Saving.

5. Nothing in this Act shall affect any right of proceeding against a person under any other enactment or at common law.

Short title and application.

6.—(1) This Act may be cited as the Sale of Tea Act, 1922.

(2) This Act shall not apply to Ireland.

(3) This Act shall come into operation on the first day of September, nineteen hundred and twenty-two.

SCHEDULE.

Section 4.

PROVISIONS OF SALE OF FOOD AND DRUGS ACTS APPLIED.

(1) If in any proceedings under this Act in respect of any package of tea the defendant proves that he purchased the tea in the package in which he sold it or had it in his possession for the purposes of sale and with a written warranty of the net weight of the tea contained in the package, and that he had no reason to believe, at the time when he sold it or had it in his possession for the purposes of sale, that the package did not comply with the provisions of this Act, he shall be entitled to be discharged from the prosecution.

(2) For the purposes of the foregoing provision, a statement on any package or any wrapper, band or label affixed thereto or delivered therewith shall be deemed to be a warranty.

(3) A warranty shall not be available as a defence to any proceedings under this Act unless the defendant has, within seven days after service of the summons, sent to the prosecutor a copy of such warranty with a written notice stating that he intends to rely on the warranty, and specifying the name and address of the person from whom he received it, and has also sent a like notice of his intention to such person.

(4) The person by whom such warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

(5) A warranty given by a person resident outside the United Kingdom shall not be available as a defence to any proceeding under this Act, unless the defendant proves that he had taken reasonable steps to ascertain and did in fact believe in the accuracy of the statement contained in the warranty.

(6) Where the defendant is a servant of the person to whom a warranty was given, he shall, subject to the provisions hereof, be entitled to rely on the defence hereby allowed in the same way as his employer or master would have been entitled to do if he had been the defendant, provided that the servant further proves that he had no reason to believe that the package of tea did not comply with the provisions of this Act.

(7) Where the defendant in a prosecution under this Act has been discharged under the provisions of this schedule, any proceedings for giving the warranty relied on by the defendant in such prosecution may be taken as well before a court having jurisdiction in the place where the contravention of this Act took place, as before a court having jurisdiction in the place where the warranty was given.

(8) Every person who, in respect of any tea sold by him as principal or agent, gives to the purchaser a false warranty in writing, shall be liable on summary conviction, for a first offence, to a fine not exceeding twenty pounds, for a second offence to a fine not exceeding fifty pounds, and for any subsequent offence to a fine not exceeding one hundred pounds, unless he proves to the satisfaction of the court that when he gave the warranty he had reason to believe that the statements or descriptions contained therein were true.

CHAPTER 30.

An Act to amend section four of the Unemployment Insurance Act, 1922, so far as relates to the third special period mentioned in that Act.

[20th July 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendments of s. 4 of 12 & 13 Geo. 5. c. 7.

1.—(1) The periods for which the Minister of Labour may, under section four of the Unemployment Insurance Act, 1922, authorise a person to receive benefit during the third special period shall be periods not exceeding in the aggregate twenty-two weeks instead of periods not exceeding in the aggregate fifteen weeks, and the prohibition imposed by subsection (5) of the said section four, on the receipt in the third special period of benefit for more than fifteen weeks in the aggregate, shall not apply in the case of benefit authorised by the Minister under that section as amended by this subsection.

(2) The period during which a person who has at any time received benefit under the said section four in the third special period for periods amounting in the aggregate to five weeks is under subsection (2) of that section not to be qualified for the receipt of benefit, shall be reduced from five weeks to one week:

Provided that, where by virtue of the said subsection any person is at the commencement of this Act disqualified for the receipt of benefit in the third special period, he shall continue to be so disqualified until the expiration of five weeks from the date on which he began to be so disqualified, or the expiration of one week from the commencement of this Act, whichever first happens.

Short title and repeal.

2.—(1) This Act may be cited as the Unemployment Insurance (No. 2) Act, 1922, and shall be construed as one with, and shall be included among the Acts which may be cited together as, the Unemployment Insurance Acts, 1920 to 1922.

(2) This Act shall come into operation on the twentieth day of July, nineteen hundred and twenty-two.

CHAPTER 31.

An Act to extend the powers of the Courts of the Universities of Scotland in the making of Ordinances for the superannuation and pensioning of Principals and Professors, and for the admission of Lecturers and Readers to the Senatus Academicus, and to provide for the admission of Lecturers and Readers to membership of the General Councils of those Universities.

[20th July 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Extension of powers of University Courts to make ordinances. 52 & 53 Vict. c. 55.

1. The powers conferred upon the University Courts of the Scottish Universities by section twenty-one of the Universities (Scotland) Act, 1889 (which confers power on these courts to make, alter, or revoke ordinances), shall include power, subject to the provisions of that section, to make and to alter or revoke such ordinances as they think fit—

(1) Ordaining that, notwithstanding the terms of any statute, charter, deed, or instrument and notwithstanding any custom, the tenure of office of any principal or professor shall be subject to limitations in respect of age prescribed by the ordinance: Provided that, in the case of any principalship or professorship the nomination or appointment whereto is reserved to or exercised by the Crown, the consent of His Majesty to any such limitation of the tenure thereof shall have been signified by the Secretary for Scotland: and provided also that no

ordinance prescribing such limitation shall apply to any principal or professor holding office at the date of the approval of the ordinance by His Majesty in Council unless such principal or professor shall have consented to such application, or is by the terms of his appointment subject to such limitation;

(2) Instituting or adopting a system or systems of pensions or superannuation allowances for principals or professors in supplement to or in substitution for any existing system of pensions instituted by ordinance or otherwise: Provided that no ordinance instituting or adopting any such system or systems shall apply to any principal or professor holding office at the date of the approval of the ordinance by His Majesty in Council unless such principal or professor shall have consented to such application.

Any system or systems so instituted or adopted may provide that in reckoning the period of service of a principal or professor the period (if any) during which he may have held any other office of principal or professor in the same or in any other university whether in Scotland or elsewhere shall be taken into account;

(3) Providing for the admission of lecturers or readers as members of the Senatus Academicus subject to such conditions as to qualifications, number, mode of appointment, and tenure as may be prescribed in the ordinance.

Lecturers and readers to be members of general councils.

2. A lecturer or reader appointed by the university court of a Scottish university who has held the office of lecturer or reader therein for one year shall thenceforward, during his tenure of that office, be a member of the general council of that university and entitled to all the rights and privileges of a member of council although his name is not entered in the register of the council: Provided that nothing in this section shall entitle any person to be registered or to vote as a Parliamentary elector.

Citation and construction.

3. This Act may be cited as the Universities (Scotland) Act, 1922, and shall, so far as is consistent with the tenor thereof, be read and construed along with the

Universities (Scotland) Act, 1858, and the Universities (Scotland) Act, 1889, and those Acts and this Act may be cited together as the Universities (Scotland) Acts, 1858 to 1922. 21 & 22 Vict. c. 83.

CHAPTER 32.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and twenty-three, and to appropriate the Supplies granted in this Session of Parliament.

[4th August 1922.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

GRANT OUT OF CONSOLIDATED FUND.

Issue of £333,266,574 out of the Consolidated Fund.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-three, the sum of three hundred and thirty-three million two hundred and sixty-six thousand five hundred and seventy-four pounds.

Power for the Treasury to borrow.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole three hundred and thirty-three million two hundred and sixty-six thousand five hundred and seventy-four pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and twenty-three, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

APPROPRIATION OF GRANTS.

Appropriation of sums voted for supply services.

3. All sums granted by this Act and the other Acts mentioned in Schedule (A) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of five hundred and forty-four million three hundred and ninety-seven thousand one hundred and sixty pounds fourteen shillings and ten pence, are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

In addition to the sums hereby granted out of the Consolidated Fund, there may be applied out of any money directed under section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in aid of the grants for the services and purposes specified in Schedule (B) annexed hereto the sums respectively set forth in the last column of the said schedule.

54 & 55 Vict. c. 24.

Treasury may, in certain cases of exigency, authorise expenditure

4.—(1) So long as the aggregate expenditure on naval and air services respectively is not made to exceed the aggregate sums appropriated by this Act for those services respectively, any surplus arising on any vote for those services, either by an excess of the sum realised on

account of appropriations in aid of the vote over the sum which may be applied under this Act as appropriations in aid of that vote, or by saving of expenditure on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course. unprovided for; provided that the aggregate grants for the navy services and for the air services respectively be not exceeded.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the naval and air services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

5. Whereas under the powers given for the purpose by the Appropriation Acts, 1920, surpluses arising on certain votes for the air services have been applied as shown in the account set out in Schedule (C) to this Act: Sanction for air expenditure for 1920-1921 unprovided for. 10 & 11 Geo. 5. cc. 32 and 59.

It is enacted that the application of those surpluses as shown in the said account is hereby sanctioned.

6. A person shall not receive any part of a grant which may be made in pursuance of this Act for half-pay or army, navy, air force, or civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Treasury before one of the persons prescribed by such warrant: Declaration required in certain cases before receipt of sums appropriated.

Provided that, whenever any such payment is made at more frequent intervals than once in a quarter, the Treasury may dispense with the production of more than one declaration in respect of each quarter.

Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

7. This Act may be cited for all purposes as the Appropriation Act, 1922. Short title.

ABSTRACT

OF

SCHEDULES (A.) and (B.) to which this Act refers.

Section 3.

SCHEDULE (A.)

	£	s.	d.
Grants out of the Consolidated Fund -	544,397,160	14	10

Section 3.

SCHEDULE (B.)—APPROPRIATION OF GRANTS.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
1920–1921–1922.	£	s.	d.	£	s.	d.
Part 1. Navy Excesses, 1920-1921	1,632,990	8	6	5,877,537	11	3
„ 2. Army Excesses, 1920–1921	100	0	0	5,258,343	11	6
„ 3. Army (Ordnance Factories) Excesses, 1920–1921 -	1,040,172	6	4	—		
„ 4. Civil Service Excess, 1920–1921 - - - -	1,200	0	0	—		
„ 5. Army (Supplementary), 1921–1922 - - -	4,900,000	0	0	*—250,000	0	0
„ 6. Air (Supplementary), 1921–1922 - - - -	10	0	0	*749,090	0	0
„ 7. Civil Services (Supplementary), 1921–1922 -	6,674,114	0	0	12,301,840	0	0
„ 8. Revenue Departments (Supplementary), 1921–1922 - - -	150,000	0	0	27,000	0	0
£	14,398,586	14	10	23,963,811	2	9
1922–1923.						
Part 9. Navy - - - - -	64,883,700	0	0	4,592,957	0	0
„ 10. Army - - - - -	62,300,000	0	0	15,677,000	0	0
Army (Ordnance Factories) - - -	100	0	0	4,289,162	0	0
„ 11. Air - - - - -	10,895,000	0	0	4,771,500	0	0
£	138,078,800	0	0	29 330,619	0	0
Carried forward - £	152,477,386	14	10	53,294,430	2	9

* Diminished Receipts.

SCHEDULE (B.)—APPROPRIATION OF GRANTS—*cont.*

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
	£	*s.*	*d.*	£	*s.*	*d.*
Brought forward -	152,477,386	14	10	53,294,430	2	9
Part 12. Civil Services, Class I. -	8,512,954	0	0	1,999,385	0	0
„ 13. Civil Services, Class II. -	13,053,728	0	0	10,748,405	0	0
„ 14. Civil Services, Class III. -	14,982,657	0	0	1,538,400	0	0
„ 15. Civil Services, Class IV. -	54,150,207	0	0	2,346,479	0	0
„ 16. Civil Services, Class V. -	13,902,339	0	0	621,200	0	0
„ 17. Civil Services, Class VI. -	116,530,380	0	0	443,820	0	0
„ 18. Civil Services, Class VII. -	42,804,218	0	0	7,270,228	0	0
„ 19. Civil Services, Unclassified	61,886,510	0	0	4,710,000	0	0
TOTAL CIVIL SERVICES - £	325,822,993	0	0	29,677,917	0	0
Part 20. Revenue Departments, &c. -	66,096,781	0	0	5,390,969	0	0
GRAND TOTAL - £	544,397,160	14	10	88,363,316	2	9

SCHED. (A.)

SCHEDULE (A.)

GRANTS OUT OF THE CONSOLIDATED FUND.

	£	s.	d.
For the service of the year ended on the 31st day of March 1921 :—			
Under Act 12 Geo. 5. c. 3 - - -	2,674,462	14	10
For the service of the year ended on the 31st day of March 1922 :—			
Under Act 12 Geo. 5. c. 1 - - -	2,961,704	0	0
Under Act 12 Geo. 5. c. 3 - - -	8,762,420	0	0
For the service of the year ending on the 31st day of March 1923 :—			
Under Act 12 Geo. 5. c. 3 - - - -	196,732,000	0	0
Under this Act - - - - -	333,266,574	0	0
TOTAL - - - -	544,397,160	14	10

SCHED. (B.) PART 1. Navy Excesses, 1920–1921.

SCHEDULE (B.)—PART 1.

NAVY EXCESSES, 1920–1921.

	Sums not exceeding					
	Supply Grants.			Appropriation in Aid.		
	£	s.	d.	£	s.	d.
Sum granted to make good excesses of Navy expenditure beyond the Grants, for the year ended on the 31st day of March 1921 - -	1,632,990	8	6	5,877,537	11	3

SCHEDULE (B.)—PART 2.

SCHED. (B.) PART 2. Army Excesses, 1920-1921.

ARMY EXCESSES, 1920-1921.

	Sums not exceeding	
	Supply Grants.	Appropriation in Aid.
	£ s. d.	£ s. d.
Sum granted to make good excesses of Army expenditure beyond the Grants, for the year ended on the 31st day of March 1921 - - - - -	100 0 0	5,258,343 11 6

SCHEDULE (B.)—PART 3.

SCHED. (B.) PART 3. Army (Ordnance Factories) Excesses, 1920-1921.

ARMY (ORDNANCE FACTORIES) EXCESSES, 1920-1921.

	Sums not exceeding	
	Supply Grants.	Appropriation in Aid.
	£ s. d.	£ s. d.
Sum granted to make good excesses on the grant for the expense of the Ordnance Factories, for the year ended on the 31st day of March 1921 -	1,040,172 6 4	—

SCHEDULE (B.)—PART 4.

SCHED. (B.) PART 4. Civil Service Excess, 1920-1921.

CIVIL SERVICE EXCESS, 1920-1921.

	Sums not exceeding	
	Supply Grants.	Appropriation in Aid.
	£ s. d.	£ s. d.
Sum granted to make good an excess on the Grant for Prisons, England and Wales, for the year ended on the 31st day of March 1921 -	1,200 0 0	—

SCHED. (B.) PART 5. Army (Supplementary), 1921-1922.

SCHEDULE (B.)—PART 5.

ARMY (SUPPLEMENTARY), 1921-1922.

SCHEDULE of estimated additional expenditure in respect of Army Services, and of the sums granted and sums which may be applied as appropriations in aid in addition thereto to meet such additional expenditure for the year ended on the 31st day of March 1922, viz. :—

Heads.	Sums not exceeding		
	Gross.	Receipts.	Net.
	£	£	£
I. Maintenance of Standing Army :—			
(*a*) Home and Abroad, excluding Middle East.	650,000	—	650,000
(*b*) Middle East - - -	*Cr. 2,710,500*	—500,000	*Cr. 2,210,500*
II. Territorial Army and Reserve Forces.	*Cr. 860,000*	—	*Cr. 860,000*
III. Educational, &c., Establishments and Working Expenses of Hospitals, Depôts, &c. :—			
(*b*) Middle East - - -	*Cr. 3,600*	—	*Cr. 3,600*
V. Capital Accounts :—			
(*a*) Home and Abroad, excluding Middle East.	*Cr. 1,000,000*	550,000	*Cr. 1,550,000*
(*b*) Middle East - - -	71,400	—500,000	571,400
VI. Terminal and Miscellaneous Charges and Receipts :—			
(*a*) Home and Abroad, excluding Middle East.	8,704,000	200,000	8,504,000
(*b*) Middle East - - -	*Cr. 581,300*	—	*Cr. 581,300*
VII. Half Pay, Retired Pay, Pensions, and Civil Superannuation.	380,000	—	380,000
Totals (*a*) Home and Abroad, excluding Middle East £	7,874,000	750,000	7,124,000
Totals (*b*) Middle East - - £	*Cr. 3,224,000*	—1,000,000	*Cr. 2,224,000*

	Supply Grants.	Appropriations in Aid.
	£	£
Estimated additional cash required for Army Services in 1921-22.	4,900,000	—250,000

SCHEDULE (B.)—PART 6.

SCHED. (B.) PART 6. Air (Supplementary), 1921–1922.

AIR (SUPPLEMENTARY), 1921–1922.

SCHEDULE of SUMS granted and sums which may be applied as appropriations in aid in addition thereto to meet additional expenditure on Air Services for the year ended on the 31st day of March 1922, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote 1. Pay, &c., of the Air Force -	10,010	293,390
Vote 2. Quartering, stores (except technical) supplies and transport -	—	110,700
Vote 3. Technical and warlike stores -	—	234,000
Vote 4. Works, buildings, and lands -	—	111,000
	10,010	
Less surplus on :—		
Vote 6. Miscellaneous effective services	10,000	
Totals - £	10	749,090

SCHED. (B.) PART 7.
Civil Services (Supplementary), 1921–1922.

SCHEDULE (B.)—PART 7.

CIVIL SERVICES (SUPPLEMENTARY), 1921–1922.

SCHEDULE of SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1922, viz.:—

CIVIL SERVICES.	Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
CLASS I.	£	£
For payments under the Tramways and Public Companies (Ireland) Act, 1883, &c., the Railways (Ireland) Act, 1896, the Marine Works (Ireland) Act, 1902, and for other purposes connected with Irish Railways	14,000	—
CLASS II.		
For the salaries and expenses of the department of His Majesty's Secretary of State for Foreign Affairs, including the News Department	26,000	—26,000*
For the salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments, including certain Services arising out of the War, and grants-in-aid	601,200	301,900
For the salaries and expenses of the Department of Overseas Trade	10	—
For meeting the deficiency of income from fees, &c., for the requirements of the Board of Trade, under the Bankruptcy Act, 1914	10	12,710
For the salaries and expenses of the Ministry of Agriculture and Fisheries, including grants for Agricultural Education and Training, a grant in aid of the Small Holdings Account, and certain other grants in aid; of the Agricultural Wages Board, and of the Royal Botanic Gardens, Kew	10	199,990
Carried forward - £	641,230	488,600

* Deficit.

SCHEDULE (B.)—PART 7—*continued.*

SCHED. (B.) PART 7. Civil Services (Supplementary), 1921–1922.

CIVIL SERVICES—*cont.*	Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
	£	£
Brought forward -	641,230	488,600
CLASS II.—*cont.*		
For the salaries and expenses of the Fishery Board for Scotland, and for grants in aid of piers or quays -	16,945	−1,600*
For a grant in aid of Miscellaneous Services to be administered by the Provisional Government in the Irish Free State - - - - -	1,130,000	—
CLASS III.		
For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal as are not charged on the Consolidated Fund, including bonus on certain statutory salaries, and the salaries and expenses of Pensions Appeals Tribunals - - - - -	5,000	28,000
For the salaries and expenses connected with the County Courts including bonus to County Court Judges - - - - - -	10	10,990
For the salaries and expenses of the Lord Advocate's department and other law charges, and the salaries and expenses of the Courts of Law and Justice and of Pensions Appeals Tribunals in Scotland, and bonus on certain statutory salaries - -	18,000	—
For the expenses of criminal prosecutions and other law charges in Ireland, including a Grant in relief of certain expenses payable by statute out of local rates - -	13,900	—
Carried forward - £	1,825,085	525,990

* Deficit.

SCHED. (B.) PART 7.
Civil Services (Supplementary), 1921–1922.

SCHEDULE (B.)—PART 7—*continued.*

CIVIL SERVICES—*cont.*	Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
	£	£
Brought forward -	1,825,085	525,990
CLASS III.—*cont.*		
For such of the salaries and expenses of the Supreme Court of Judicature, of the Registry of Deeds, and of Pensions Appeals Tribunals in Ireland and of the Supreme Court of Southern Ireland and of the High Court of Appeal for Ireland and of officers lately of the Supreme Court of Judicature in Ireland now attached to the Lord Lieutenant; as are not charged on the Consolidated Fund - - - - - -	10	—
For such of the salaries and expenses of the Supreme Court of Judicature of Northern Ireland, as are not charged on the Consolidated Fund -	19,837	50
For the expenses of the Royal Irish Constabulary, including certain extra statutory pensions - - - -	1,474,370	—196,000*
CLASS V.		
For salaries and expenses in connection with Middle Eastern services under His Majesty's Secretary of State for the Colonies, including certain grants in aid - - -	1,737,600	—
CLASS VI.		
For superannuation, compensation, compassionate, and additional allowances, and gratuities under sundry statutes, for compassionate allowances, gratuities, and supplementary pensions awarded by the Treasury, and for the salaries of medical referees - - - - - -	455,000	—
Carried forward - £	5,511,902	330,040

* Deficit.

SCHEDULE (B.)—PART 7—*continued.*

SCHED. (B.) PART 7. Civil Services (Supplementary), 1921–1922.

CIVIL SERVICES—*cont.*	Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
	£	£
Brought forward -	5,511,902	330,040
CLASS VI.—*cont.*		
For making good certain sums written off from the assets of the Local Loans Fund, together with certain sums due in respect of advances in Northern Ireland - - - - -	16,100	—
For making good certain Irish Land Purchase Annuities - - -	265,024	—
CLASS VII.		
For the salaries and expenses of the Ministry of Health; including grants and other expenses in connection with Housing, grants to local authorities, &c., sundry contributions and grants in respect of benefits and expenses of administration under the National Health Insurance Acts, 1911 to 1921, certain grants in aid, and certain special services arising out of the war - - - - -	10	—
For the salaries and expenses of the Local Government Board, Ireland, including grants and other expenses in connection with Housing, grants to local authorities, &c., sundry grants in aid, and the cost of certain services arising out of the war -	10	—
Carried forward - £	5,793,046	330,040

SCHED. (B.) PART 7. Civil Services (Supplementary), 1921–1922.

SCHEDULE (B.)—PART 7—*continued.*

CIVIL SERVICES—*cont.*	Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
	£	£
Brought forward - -	5,793,046	330,040
UNCLASSIFIED SERVICES.		
For the salaries and expenses of the Disposal and Liquidation Commission - - - - - - - -	100	2,249,900
For the salaries and expenses in connection with Shipping Liquidation -	100	9,721,900
For the cost of certain Miscellaneous War Services - - - - - -	565,868	—
For grants in respect of compensation for suffering and damage by Enemy Action - - - - - - - -	100,000	—
For payment of compensation for criminal injuries, and medical and nursing expenses of Crown employees who have been maliciously injured - - - - - - -	215,000	—
Total Civil Services - -	6,674,114	12,301,840

SCHED. (B.) PART 8. Revenue Departments (Supplementary), 1921–1922.

SCHEDULE (B.)—PART 8.

REVENUE DEPARTMENTS (SUPPLEMENTARY), 1921–1922.

SCHEDULE of SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1922, viz.:—

	Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
	£	£
For the salaries and expenses of the Customs and Excise Department -	150,000	27,000
Total Revenue Departments -	150,000	27,000

SCHEDULE (B.)—PART 9.

SCHED. (B.) PART 9. Navy.

NAVY.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1923; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For wages, &c., to 121,400 officers, seamen, and boys, coastguard, and royal marines - - -	15,856,000	54,750
2.	For victualling and clothing for the navy, including the cost of victualling establishments at home and abroad - - -	5,700,000	1,382,739
3.	For medical services, including the cost of medical establishments at home and abroad - - -	522,000	21,917
4.	For civilians employed on fleet services - - - - - -	292,100	2,829
5.	For educational services - -	411,000	40,645
6.	For scientific services - - -	446,500	77,865
7.	For the royal naval reserve, the royal fleet reserve, and the royal naval volunteer reserve, &c. -	543,300	615
8.	Sect. 1. For the personnel for shipbuilding, repairs, maintenance, &c., at dockyards and naval yards at home and abroad - -	7,680,100	412,503
„	Sect. 2. For the matériel for shipbuilding, repairs, maintenance, &c., at dockyards and naval yards at home and abroad - -	7,263,700	2,294,500
„	Sect. 3. For contract work for shipbuilding, repairs, &c. - -	3,334,500	22,515
	Carried forward - £	42,049,200	4,310,878

SCHED. (B.) PART 9. Navy.

SCHEDULE (B.)—PART 9—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward -	42,049,200	4,310,878
No.		
9. For naval armaments - - -	5,064,500	52,293
10. For works, buildings, and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants in aid, and other charges connected therewith - - - - - -	4,273,000	75,000
11. For various miscellaneous effective services - - - - -	1,911,900	81,799
12. For the Admiralty Office - -	1,420,800	4,000
13. For non-effective services (naval and marine)—officers - -	3,606,600	29,428
14. For non-effective services (naval and marine)—men - - -	5,522,600	39,420
15. For civil superannuation, compensation allowances, and gratuities	1,035,100	139
TOTAL NAVY SERVICES - £	64,883,700	4,592,957

SCHED. (B.) PART 10. Army.

SCHEDULE (B.)—PART 10.

ARMY.

SCHEDULE of estimated gross and net expenditure in respect of ARMY SERVICES in respect of the year ending on the 31st day of March 1923; and of the sums granted, and the sums which may be applied as appropriations in aid in addition thereto, to defray the charges which will come in course of payment during that year in respect of the said services, and of the liabilities outstanding on the first day of the said year:—

Heads.	Sums not exceeding		
	Gross.	Receipts.	Net.
Head.	£	£	£
I. Maintenance of Standing Army -	35,603,700	252,400	35,351,300
II. Territorial Army and Reserve Forces - - - - - -	8,103,200	20,200	8,083,000
Carried forward - £	43,706,900	272,600	43,434,300

SCHEDULE (B.)—PART 10—*continued.*

Heads.	Sums not exceeding		
	Gross.	Receipts.	Net.
	£	£	£
Brought forward -	43,706,900	272,600	43,434,300
Head.			
III. Educational, &c., Establishments and Working Expenses of Hospitals, Depôts, &c. - -	9,951,800	740,800	9,211,000
IV. War Office, Staff of Commands, &c. - - - - - -	3,361,200	5,700	3,355,500
V. Capital Accounts - - -	*Cr.497,900*	2,133,700	*Cr.2,631,600*
VI. Terminal and Miscellaneous Charges and Receipts - -	13,000,500	6,181,400	6,819,100
VII. Half Pay, Retired Pay, Pensions, and Civil Superannuation -	9,729,000	1,111,800	8,617,200
Total - - - £	79,251,500	10,446,000	68,805,500
Repayment by the Colonial Office for expenditure (included above) in the Middle East - - - - - -	—	4,930,000	*Cr. 4,930,000*
GRAND TOTAL - £	79,251,500	15,376,000	63,875,500

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Estimated Cash required for Army Services in 1922–23 - - -	62,300,000	—
Estimated Receipts to be appropriated in Aid of Army Services in 1922–23 - - - - - -	—	15,677,000
ARMY (ORDNANCE FACTORIES).		
For the Ordnance Factories, the cost of the production of which will be charged to the Army, Navy, Air Force, &c. - - - - - -	100	4,289,162

SCHED. (B.) PART 11. Air.

SCHEDULE (B.)—PART 11.

AIR.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the AIR SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1923; viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For the pay, &c. of 31,176 of all ranks of the Air Force - -	3,781,000	1,214,000
2. For the quartering, stores (except technical), supplies, and transport of the Air Force - -	1,530,000	684,000
3. For technical and warlike stores -	1,295,000	898,000
4. For works, buildings, repairs, and lands, including civilian staff, and other charges connected therewith - - - - -	1,826,000	1,425,000
5. For the Air Ministry - - -	680,000	1,000
6. For the miscellaneous effective services of the Air Force - -	85,000	4,500
7. For rewards, half-pay, retired pay, widows' pensions, and other non-effective services - -	157,000	2,000
8. For Civil Aviation - - -	364,000	47,000
9. For experimental and research services - - - - -	1,177,000	496,000
TOTAL AIR SERVICES £	10,895,000	4,771,500

SCHEDULE (B.)—PART 12.

SCHED. (B.) PART 12. Civil Services. Class I.

CIVIL SERVICES.—CLASS I.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1923; viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For expenditure in respect of royal palaces, including a grant in aid	120,400	9,180
2. For expenditure in respect of Osborne - - - - -	17,650	4,950
3. For expenditure in respect of the royal parks and pleasure gardens	218,800	24,300
4. For expenditure in respect of the Houses of Parliament buildings -	115,250	500
5. For expenditure in respect of miscellaneous legal buildings, Great Britain - - - - - -	88,000	700
6. For expenditure in respect of Art and Science buildings, Great Britain - - - - - -	374,800	1,415
7. For expenditure in respect of diplomatic and consular buildings, and for the maintenance of certain cemeteries abroad (including a supplementary sum of 10*l.*) -	115,810	15,590
Carried forward - £	1,050,710	56,635

SCHED. (B.) PART 12. Civil Services. Class I

SCHEDULE (B.)—PART 12—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward -	1,050,710	56,635
No. 8. For expenditure in respect of Customs and Excise, Inland Revenue, Post Office and Telegraph buildings in Great Britain, and certain Post Offices abroad -	1,534,480	9,250
9. For expenditure in respect of Employment Exchange, and Insurance buildings, Great Britain (including Ministries of Labour and Health) - - - - -	805,350	16,900
10. For expenditure in respect of sundry public buildings in Great Britain not provided for on other votes - - - - - -	2,554,950	84,150
10A. For expenditure in respect of the erection of houses by the Office of Works on behalf of Local Authorities proceeding with assisted Housing Schemes approved by the Ministry of Health in accordance with the provisions of the Housing, Town Planning, &c. Act, 1919 - - - -	100,000	1,420,000
10B. For expenditure in respect of Housing schemes under the management of the Office of Works - - - - - -	52,020	241,000
10C. For expenditure in connection with the erection of war memorials - - - - - - -	2,500	—
Carried forward - £	6,100,010	1,827,935

SCHEDULE (B.)—PART 12—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	6,100,010	1,827,935
No. 11. For the expenses of survey of Great Britain, and for minor services connected therewith -	172,646	99,950
12. For the expenses of constructing a new harbour of refuge at Peterhead - - - - - -	25,000	—
13. For rates and contributions in lieu of rates, &c., in respect of Government property, and for rates on houses occupied by Representatives of Foreign Powers, and for salaries and expenses of the Rating of Government property department, and for a contribution towards the expenses of the London Fire Brigade - -	2,006,448	70,000
14. For expenditure in respect of public works and buildings in Ireland - - - - - -	208,850	1,500
TOTAL CIVIL SERVICES, CLASS I. £	8,512,954	1,999,385

SCHED. (B.) PART 13. Civil Services. Class II.

SCHEDULE (B.)—PART 13.

CIVIL SERVICES.—CLASS II.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1923; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the offices of the House of Lords	56,783	4,000
2.	For the salaries and expenses of the House of Commons - -	336,829	10,100
3.	For the salaries and expenses of the Cabinet Offices and of the Committee of Imperial Defence, including the cost of preparation of War Histories - - -	53,571	—
4.	For the salaries and other expenses in the department of His Majesty's Treasury and subordinate departments - - - - -	308,643	8,420
5.	For the salaries and expenses of the office of His Majesty's Secretary of State for the Home Department and subordinate offices	368,956	49,700
6.	For the salaries and expenses of the department of His Majesty's Secretary of State for Foreign Affairs, including the News Department - - - - -	244,679	86,890
7.	For the salaries and expenses of the department of His Majesty's Secretary of State for the Colonies, including a grant in aid and other expenses connected with Oversea Settlement and expenses arising out of the Empire Settlement Act, 1922 (including a supplementary sum of £652,470) - - -	1,327,107	—
	Carried forward - £	2,696,568	159,110

SCHEDULE (B.)—PART 13—*continued.*

SCHED. (B.) PART 13. Civil Services. Class II.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward -	2,696,568	159,110
8.	For a contribution towards the cost of the department of His Majesty's Secretary of State for India in Council, including a grant in aid	120,000	—
9.	For the salaries and expenses of the department of His Majesty's most Honourable Privy Council -	13,831	4,000
10.	For the salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments, including certain Services arising out of the War, and grants in aid -	1,864,545	1,794,470
11.	For the salaries and expenses of the Department of Overseas Trade, including the Petroleum Department - - - - -	342,923	88,349
12.	For the salaries and expenses of certain services transferred from the Mercantile Marine Fund and other services connected with the Mercantile Marine, including General Register and Record Office of Shipping and Seamen, Merchant Seamen's Fund Pensions and grants to the General Lighthouse Fund and other Lighthouse Authorities - - -	442,415	193,198
13.	For meeting the deficiency of income from fees, &c., for the requirements of the Board of Trade, under the Bankruptcy Act, 1914	10	149,486
	Carried forward - £	5,480,292	2,388,613

SCHED. (B.) PART 13. Civil Services. Class II.

SCHEDULE (B.)—PART 13—*continued.*

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	5,480,292	2,388,613
14.	For the salaries and expenses of the Mines Department of the Board of Trade - - - -	170,284	3,620
15.	For the salaries and expenses of the Ministry of Agriculture and Fisheries, including grants for Agricultural Education and Research, a grant in aid of the Small Holdings Account, and certain other grants in aid; and of the Royal Botanic Gardens, Kew -	1,834,804	501,385
16.	For a grant in aid of the Forestry Fund - - - - - -	20,000	—
17.	For the salaries and expenses of the Ministry of Transport under the Ministry of Transport Act, 1919, expenses of the Railways Amalgamation Tribunal and the Railway Rates Tribunal under the Railways Act, 1921, expenses in respect of advances under the Light Railways Act, 1896, expenses of maintaining Holyhead Harbour, advances to meet deficit in Ramsgate Harbour Fund, and advances to Caledonian and Crinan Canals - -	211,950	85,880
18.	For the salaries and expenses of the Charity Commission for England and Wales - - - -	44,402	—
19.	For the salaries and expenses of the Department of the Government Chemist - - - - -	49,113	—
	Carried forward - £	7,810,845	2,979,498

SCHEDULE (B.)—PART 13—*continued.*

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
	Brought forward - -	7,810,845	2,979,498
20.	For the salaries and expenses of the Civil Service Commission -	87,434	—
21.	For the salaries and expenses of the department of the Comptroller and Auditor General -	159,000	5,275
22.	For the salaries and expenses of the Registry of Friendly Societies	37,246	12,000
23.	For the salaries and expenses of the department of the Government Actuary - - - - -	36,321	—
24.	For the salaries and expenses of the Board of Control (Lunacy and Mental Deficiency), England -	529,075	7,477
25.	For the salaries and expenses of the Mint, including the expenses of coinage, and for the expenses of the preparation of medals, dies for postage and other stamps, and His Majesty's seals - - -	10	6,019,200
26.	For the salaries and expenses of the National Debt Office - -	19,273	14,120
27.	For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - -	39,473	—
28.	For the salaries and expenses of the establishment under the Public Works Loan Commissioners -	10	21,284
29.	For the salaries and expenses of the department of the Registrar General of Births, &c., including the expense of the Census of England and Wales, 1921 - -	153,644	22,100
	Carried forward - £	8,872,331	9,080,954

SCHED. (B.) PART 13. Civil Services. Class II.

SCHEDULE (B.)—PART 13—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	8,872,331	9,080,954
No.		
30. For the salaries and expenses of the State Management Districts, including the salaries of the central office and the cost of acquisition and management of licensed premises - - -	100	807,235
31. For stationery, printing, paper, binding, and printed books for the public service, for the salaries and expenses of the Stationery Office, and for sundry miscellaneous services, including reports of Parliamentary Debates -	2,679,937	800,000
32. For the salaries and expenses in the office of His Majesty's Woods, Forests, and Land Revenues, including bonus to Commissioner - - - - - -	36,796	—
33. For the salaries and expenses of the office of the Commissioners of His Majesty's Works and Public Buildings - - -	568,500	15,000
34. For the salaries and expenses of the office of the Lord Privy Seal	6,525	—
35. For His Majesty's foreign and other secret services - - - -	200,000	—
36. For the salaries and expenses of the office of His Majesty's Secretary for Scotland and subordinate offices, expenses under the Inebriates Acts, 1879 to 1900, expenses under the Private Legislation Procedure (Scotland) Act, 1899; a subsidy for steamer services to the Hebrides; and grants in respect of unemployment schemes - - - -	119,711	6,282
Carried forward - £	12,483,900	10,709,471

SCHEDULE (B.)—PART 13—*continued.*

SCHED. (B.) PART 13. Civil Services. Class II.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	12,483,900	10,709,471
37.	For the salaries and expenses of the Board of Agriculture for Scotland, including grants for agricultural education and training, certain grants in aid and certain services arising out of the war - - - - - -	275,953	25,374
38.	For the salaries and expenses of the Fishery Board for Scotland, and for grants in aid of piers or quays - - - - - -	52,450	11,510
39.	For the salaries and expenses of the General Board of Control for Scotland - - - - -	96,472	550
40.	For the salaries and expenses of the department of the Registrar General of Births, &c., in Scotland, including the expenses of the Census of Scotland, 1921 -	23,988	1,500
41.	For the salaries and expenses of the household of the Lord Lieutenant of Ireland - -	3,886	—
42.	For the salaries and expenses of the offices of the Irish Office, including certain allowances for disturbance, &c., and for sundry services in Ireland - - -	117,079	—
	TOTAL CIVIL SERVICES, CLASS II. - £	13,053,728	10,748,405

SCHED. (B.) PART 14. Civil Services. Class III.

SCHEDULE (B.)—PART 14.

CIVIL SERVICES.—CLASS III.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1923; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries of the law officers department, the salaries and expenses of the departments of His Majesty's Procurator-General, and of the Solicitor for the Affairs of His Majesty's Treasury, and of the department of Director of Public Prosecutions, for the costs of prosecutions, of other legal proceedings, and of Parliamentary Agency - - - -	260,528	35,000
2.	For certain miscellaneous legal expenses, for the salaries and expenses of Arbitrators, &c., under the Acquisition of Land (Assessment of Compensation) Act, 1919, for the salaries and expenses of the War Compensation Court under the Indemnity Act, 1920, and for a grant in aid of the expenses of the Incorporated Law Society of England - - - - -	85,395	—
3.	For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal as are not charged on the Consolidated Fund, including bonus on certain statutory salaries, and the salaries and expenses of Pensions Appeals Tribunals -	565,376	95,600
	Carried forward - £	911,299	130,600

SCHEDULE (B.)—PART 14—*continued.*

SCHED. (B.) PART 14. Civil Services. Class III.

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
	Brought forward -	911,299	130,600
4.	For the salaries and expenses of the office of Land Registry -	102,053	—
5.	For the salaries and expenses of the office of Public Trustee -	10	350,728
6.	For the salaries and expenses connected with the County Courts including bonus to County Court Judges - - - - - -	203,502	450,000
7.	For the salaries of the Commissioner and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District, bonus to Metropolitan Police Magistrates, the contribution towards the expenses of the Metropolitan Police, the salaries and expenses of the Inspectors of Constabulary, and other Grants in respect of Police Expenditure, including places of detention and a grant in aid of the Police Federation - -	6,292,025	105
8.	For the expenses of the prisons in England and Wales, including a grant in aid of certain expenses connected with Discharged Prisoners - - - - - -	1,166,804	274,000
9.	For the salaries and expenses of the office of the Inspector of Reformatories and for grants in respect of the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools, in auxiliary homes in England and Wales, and whilst under supervision - - -	455,000	38,120
	Carried forward - £	9,130,693	1,243,553

SCHED. (B.) PART 14. CivilServices. Class III.

SCHEDULE (B.)—PART 14—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward -	9,130,693	1,243,553
No. 10. For the expense of the maintenance of criminal lunatics in the Broadmoor Criminal Lunatic Asylum -	80,147	5,647
11. For the salaries and expenses of the Lord Advocate's department and other law charges, and the salaries and expenses of the Courts of Law and Justice and of Pensions Appeals Tribunals in Scotland, and bonus on certain statutory salaries - - - - - -	130,571	100,000
12. For the salaries and expenses of the office of the Scottish Land Court, including bonus to members of the Court - -	11,978	—
13. For the salaries and expenses of the offices in His Majesty's General Register House, Edinburgh - - - - - -	78,234	—
14. For grants in respect of Police Expenditure and for a grant in aid of the Police Federation in Scotland - - - - -	756,700	—
15. For the salaries and expenses of the Prison Commissioners for Scotland, and of the prisons under their control, including the maintenance of criminal lunatics, defectives, and inmates of the State inebriate reformatory, and the preparation of judicial statistics, and including a grant in aid of certain expenses connected with discharged prisoners - - - - -	196,100	26,700
Carried forward - £	10,384,423	1,375,900

SCHEDULE (B.)—PART 14—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	10,384,423	1,375,900
No. 16. For the expense of the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools, and in auxiliary homes in Scotland, including the expenses of collection of parental contributions - - - - -	105,221	5,500
17. For such of the salaries and expenses of the Supreme Court of Judicature of Northern Ireland, and of the Land Registry of Northern Ireland, as are not charged on the Consolidated Fund and a contribution towards the cost of the Salaries of the High Court of Appeal for Ireland, and other expenses -	51,739	500
18. For the salaries and expenses of the office of the Irish Land Commission - - - - - -	2,102,350	68,500
19. For the expenses of the Royal Irish Constabulary, including expenses of Dublin Metropolitan Police pensions and certain extra statutory payments - - -	2,338,924	88,000
TOTAL CIVIL SERVICES, CLASS III. £	14,982,657	1,538,400

SCHED. (B.) PART 15. CivilServices. Class IV.

SCHEDULE (B.)—PART 15.

CIVIL SERVICES.—CLASS IV.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1923; viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For the salaries and expenses of the Board of Education, and of the various establishments connected therewith, including sundry grants in aid (including a supplementary sum of 375,000*l.*) - -	45,275,000	1,935,100
2. For the salaries and other expenses of the British Museum, and of the Natural History Museum, including certain grants in aid - -	301,505	16,325
3. For the salaries and expenses of the National Gallery, and of the National Gallery of British Art, Millbank, including a grant in aid for the purchase of pictures -	33,002	9,782
4. For the salaries and expenses of the National Portrait Gallery, including a grant in aid for the purchase of portraits - - -	8,509	885
5. For the salaries and expenses of the Wallace Collection - - -	12,438	2,175
6. For the salaries and expenses in respect of the London Museum, Lancaster House - - -	5,000	873
7. For the salaries and expenses of the Imperial War Museum - -	16,700	1,350
Carried forward - £	45,652,154	1,966,490

SCHEDULE (B.)—PART 15—*continued.*

SCHED. (B.) PART 15. Civil Services. Class IV.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward -	45,652,154	1,966,490
8.	For sundry grants in aid of scientific investigations, &c., and other grants - - - - - -	197,774	—
9.	For the salaries and expenses of the Department of Scientific and Industrial Research, the Fuel Research Station, the Geological Museum, including a grant in aid, the Geological Survey of Great Britain, and the National Physical Laboratory - - - - -	297,437	142,564
10.	For grants in aid of the expenses of certain Universities, Colleges, Medical Schools, &c., in Great Britain, and of the expenses under the Welsh Intermediate Education Act, 1889 - - -	1,199,200	—
11.	For public education in Scotland, and for Science and Art in Scotland, including a grant in aid (including a supplementary sum of 79,060*l.*) - - - - -	6,792,374	237,190
12.	For the salaries and expenses of the National Gallery, Scotland, the Scottish National Portrait Gallery, and the Museum of Antiquities, including certain grants in aid - - - - -	11,268	235
	TOTAL CIVIL SERVICES, CLASS IV. - - - - - £	54,150,207	2,346,479

SCHED. (B.) PART 16. Civil Services. Class V.

SCHEDULE (B.)—PART 16.

CIVIL SERVICES.—CLASS V.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1923; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the expenses in connection with His Majesty's embassies, missions, and consular establishments abroad, and other expenditure chargeable to the Consular Vote including certain special grants - - - - - -	1,451,943	621,200
2.	For sundry colonial services, including certain grants in aid	1,865,598	—
3.	For sundry Middle Eastern services under His Majesty's Secretary of State for the Colonies including certain grants in aid -	10,363,100	—
4.	For subsidies to certain Telegraph Companies - - - - -	10,800	—
5.	For a grant in aid of the expenses of the League of Nations and for other expenses in connection therewith, including British Representation before the Permanent Court of International Justice and a grant in aid of the Epidemics Fund (including a supplementary sum of 100,000*l.*)	210,898	—
	TOTAL CIVIL SERVICES, CLASS V. - - - - £	13,902,339	621,200

SCHEDULE (B.)—PART 17.

SCHED. (B.) PART 17. Civil Services. Class VI.

CIVIL SERVICES.—CLASS VI.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1923; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For superannuation, compensation, compassionate and additional allowances and gratuities under sundry Statutes, for compassionate allowances, gratuities and supplementary pensions awarded by the Treasury; and for the salaries of medical referees -	1,602,472	—
2.	For Old Age Pensions, for certain administrative expenses in connection therewith, and for pensions under the Blind Persons Act, 1920 - - - - - -	22,615,000	4,000
3.	For the salaries and expenses of the Ministry of Pensions, and for sundry contributions in respect of the administration of the Ministry of Pensions Act, 1916, and the War Pensions Acts, 1915 to 1921 - - - - - -	89,991,000	425,000
4.	For War pensions and allowances to merchant seamen and fishermen and their dependants, and the administrative expenses connected therewith - - -	522,264	—
5.	For certain miscellaneous expenses, including a grant in aid and bonus on certain statutory salaries	14,242	14,820
	Carried forward - £	114,744,978	443,820

SCHED. (B.) PART 17. Civil Services. Class VI.

SCHEDULE (B.)—PART 17—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward -	114,744,978	443,820
No.		
6. For the salaries and other expenses of Royal Commissions, Committees, and Special Inquiries, &c., including provision for Shorthand	40,000	—
7. For the salaries and expenses of the National Savings Committee	88,247	—
8. For certain salaries and expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom, and a grant in aid of the Imperial War Graves Commission Fund formed under Royal Charter, 10th May 1917 - - - -	356,701	—
9. For making good certain sums written off from the assets of the Local Loans Fund, together with certain sums due in respect of advances in Northern Ireland -	105,453	—
10. For expenses under the Representation of the People Act, 1918 -	350,000	—
11. For a grant in aid of the Government Hospitality Fund - -	25,000	—
12. For expenditure in connection with ex-service officers and men in Ireland, including grants for education and resettlement and for other purposes, and for pensions appeals tribunals -	771,259	—
13. For repayment to the Civil Contingencies Fund of certain miscellaneous advances - -	48,742	—
TOTAL CIVIL SERVICES, CLASS VI. £	116,530,380	443,820

SCHEDULE (B.)—PART 18.

CIVIL SERVICES.—CLASS VII.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1923; viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
No. 1. For the salaries and expenses of the Ministry of Health; including grants and other expenses in connection with Housing, grants to local authorities, &c., sundry contributions and grants in respect of benefits and expenses of administration under the National Health Insurance Acts, 1911 to 1921, certain grants in aid, and certain special services arising out of the war - - - -	22,512,562	1,205,645
2. For the salaries and expenses of the Scottish Board of Health, including grants and other expenses in connection with Housing, grants to local authorities, &c., sundry contributions and grants in respect of benefits and expenses of administration under the National Health Insurance Acts, 1911 to 1921, certain grants in aid, and certain special services arising out of the war - -	1,712,422	712,298
Carried forward - £	24,224,984	1,917,943

SCHED. (B.) PART 18. Civil Services. Class VII.

SCHEDULE (B.)—PART 18—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward -	24,224,984	1,917,943
No.		
3. For the salaries and expenses of the Ministry of Labour and Subordinate Departments, including the contributions to the Unemployment Insurance Fund, and to special schemes pursuant to sections 5 and 18 of the Unemployment Insurance Act, 1920, as amended by section 2 of the Unemployment Act, 1921, and section 2 of the Unemployment Insurance (No. 2) Act, 1921, &c.; contribution to the Unemployed Workers' Dependants Fund; payments to associations under section 17 of the Unemployment Insurance Act, 1920, and section 106 of the National Insurance Act, 1911, Out-of-Work Donation; expenditure in connection with the training of demobilised officers and non-commissioned officers and men, and the training of women; and grants for resettlement in civil life, also the expenses of the Industrial Court (including a supplementary sum of 3,562,844*l.*)	18,010,604	5,348,685
4. For the salaries and expenses of the audit staff under the National Insurance Act, 1911 - - -	183,180	3,600
5. For making good the deficiency on the Income Account of the Fund for Friendly Societies -	5,450	—
6. For special grants to Voluntary Hospitals to assist in meeting deficiencies in income - -	380,000	—
TOTAL CIVIL SERVICES, CLASS VII. - £	42,804,218	7,270,228

SCHEDULE (B.)—PART 19.

SCHED. (B.) PART 19. Unclassified Services.

UNCLASSIFIED SERVICES.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1923; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For road grants to relieve unemployment - - - - -	1,540,000	—
2.	For grants to local authorities, &c., in the United Kingdom for assistance in carrying out approved schemes of useful work to relieve unemployment - -	830,000	—
3.	For the relief of unemployment (including a supplementary sum of 500,000*l.*) - - - - -	1,500,000	—
4.	To provide for advances in respect of exports of goods wholly or partly produced or manufactured in the United Kingdom or guarantees in connection therewith - - - - -	500,000	200,000
5.	For ex gratia grants in respect of losses and injuries sustained in the rebellion in Ireland in 1916 -	67,010	—
6.	For compensation for criminal injuries and medical and nursing expenses of crown employees who have been maliciously injured -	2,000,000	—
7.	For a grant in aid to the Government of Northern Ireland in respect of compensation for damages arising out of the disturbed condition of Ireland -	750,000	—
	Carried forward - £	7,187,010	200,000

SCHED. (B.) PART 19. Unclassified Services.

SCHEDULE (B.)—PART 19—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	7,187,010	200,000
No.		
8. For a grant in aid of the revenues of the Government of Northern Ireland (including supplementary sums of 2,250,000*l.* and 500,000*l.*) - - - - -	3,750,000	—
9. For the salaries and expenses of the Disposal and Liquidation Commission - - - - -	4,300,000	1,600,000
10. For the salaries and expenses in connection with Shipping Liquidation - - - - -	2,885,900	2,850,000
11. For expenditure arising from the Government control of railways and canals in Great Britain and Ireland under the Regulation of the Forces Act, 1871, section 16, and Defence of the Realm (Consolidation) Regulations, 9 H, and payments to Railway Companies under the Railways Act, 1921, section 11, and the Irish Railways (Settlement of Claims) Act, 1921, section 1 - - -	33,485,000	60,000
12. For expenses connected with the Treasury Securities Deposit Scheme - - - - - -	38,600	—
13. To provide for the deficiency arising under the Coal Mines Control Agreement (Confirmation) Act, 1918, and for payments under section 7 (5) of the Coal Mines Emergency Act, 1920 -	5,000,000	—
14. For claims in respect of ships or cargoes condemned or detained as naval prize - - - -	30,000	—
15. For a subvention in aid of wages in the coal mining industry -	10,000	—
Carried forward - £	56,686,510	4,710,000

SCHEDULE (B.)—PART 19—*continued.*

SCHED. (B.) PART 19. Unclassified Services.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward -	56,686,510	4,710,000
No.		
16. For grants in respect of compensation for suffering and damage by enemy action - - - -	4,900,000	—
17. For the cost of certain Miscellaneous War Services - -	290,000	—
18. For the payment of grants to refugees from Ireland for the relief of distress - - -	10,000	—
TOTAL UNCLASSIFIED CIVIL SERVICES £	61,886,510	4,710,000

SCHEDULE (B.)—PART 20.

SCHED. (B.) PART 20. Revenue Departments, &c.

REVENUE DEPARTMENTS, &c.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS, &c., herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1923; viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For the salaries and expenses of the Customs and Excise Department - - - - -	5,120,000	530,000
2. For the salaries and expenses of the Inland Revenue Department	7,154,781	200,000
3. For the salaries and expenses of the Post Office, including Telegraphs and Telephones - -	53,822,000	4,660,969
TOTAL REVENUE DEPARTMENTS - £	66,096,781	5,390,969

SCHED. (C.)
Air Services.
Section 5.

SCHEDULE (C.)

Number of Vote.	AIR SERVICES, 1920–21. VOTES.	Surpluses.	Deficits made good from Surpluses.
		£ s. d.	£ s. d.
1	Pay, &c., of the Air Force -	116,839 0 11	—
2	Quartering, Stores (except Technical), Supplies, and Transport - -	236,706 10 9	—
3	Technical and Warlike Stores - - - -	1,434,883 9 0	—
4	Works, buildings, and lands - - - -	388,670 17 2	—
5	Air Ministry - - -	15,885 8 11	—
6	Miscellaneous Effective Services - - -	—	17,677 19 7
7	Half-Pay, Pensions, and other Non-Effective Services -	989 3 9	—
8	Civil Aviation - - -	148,850 5 7	—
9	Experimental and Research Services - -	14,472 10 2	—
–	Balances irrecoverable and Claims abandoned -	—	46,657 13 8
	Total - - - -	2,357,297 6 3	64,335 13 3
	Net Surplus - -	£2,292,961 13 0	

CHAPTER 33.

An Act to grant money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans.

[4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Grants for public works.

1.—(1) For the purpose of local loans, there may be issued by the National Debt Commissioners for the purpose of loans by the Public Works Loan Commissioners, any sum or sums not exceeding in the whole the sum of thirty-five million pounds.

(2) The sums so issued shall, subject as hereinafter provided, be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation, and in accordance with the provisions of the National Debt and Local Loans Act, 1887. 50 & 51 Vict. c. 16.

Certain debts not to be reckoned as assets of local loans fund.

2. Whereas it is expedient that the principal of the local loan specified in the table contained in the Schedule to this Act should, to the extent specified in the last column of that table, not be reckoned as an asset of the local loans fund established under the National Debt and Local Loans Act, 1887:

Now, therefore, the principal of the said loan to the extent aforesaid and the said sum shall be written off from the assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

Remission of arrears of principal and interest in respect of Eyemouth Harbour loan.

3. Whereas in pursuance of an agreement made in the year eighteen hundred and ninety-two the sum of ten thousand pounds was advanced by the Public Works Loan Commissioners to the Eyemouth Harbour Trustees on the security of the harbour revenues with the collateral security of the Fishery Board for Scotland:

And whereas by an arrangement confirmed by section three of the Public Works Loans Act, 1901, the liability of the Eyemouth Harbour Trustees in respect of the said loan was extinguished without prejudice to the liability of the Fishery Board for Scotland to repay the said loan, and, in consequence thereof, the said collateral security is the sole security for the repayment of the said loan: 1 Edw. 7. c. 35.

And whereas the terms of the said collateral security are embodied in a memorandum of agreement between the Secretary for Scotland and the Public Works Loan Commissioners, dated the eleventh day of March, eighteen hundred and ninety-two, whereby a portion of the surplus

herring brand fees, as defined in clause three of the said memorandum, was pledged in security for the repayment of the said loan with interest by the instalments and at the times mentioned in the security given by the Eyemouth Harbour Trustees for the said loan, and it was provided that the said portion of the surplus herring brand fees of any one year should only be applicable to the repayment of the one-fiftieth part of principal and interest on outstanding principal falling due under the security for the said loan in the same year, and should not be applicable to the repayment of arrears of principal:

And whereas the said portion of the surplus herring brand fees, so pledged as aforesaid, was in the year ending the thirty-first day of March, nineteen hundred and twenty-two, insufficient to discharge in full the instalment of principal with interest which fell due under the security for the said loan in that year, and the principal sum of two hundred pounds, with interest amounting to one hundred and thirty-eight pounds seven shillings, now remains unpaid, and under the terms of the said memorandum of agreement is irrecoverable:

Now, therefore, the said principal sum of two hundred pounds shall be extinguished, and the said arrears of interest amounting to one hundred and thirty-eight pounds seven shillings shall be remitted.

Loans to companies for housing. 53 & 54 Vict. c. 70.

4. In the application of section sixty-seven of the Housing of the Working Classes Act, 1890, to any company established for the purpose of constructing or improving, or of facilitating or encouraging the construction or improvement of dwellings for the working classes, which does not trade for profit, or whose constitution forbids the issue of any share or loan capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury, paragraph (*d*) of subsection (2) of the said section sixty-seven, shall have effect as if the words "seventy-five per centum" were substituted for the words "one moiety":

Provided that the Public Works Loan Commissioners shall, in any such case, require, in addition to a mortgage of any land or dwellings, a further security of such value as they may think fit.

Short title.

5. This Act may be cited as the Public Works Loans Act, 1922.

SCHEDULE.

Section 2.

LOANS BY THE PUBLIC WORKS LOAN COMMISSIONERS.

Loan under the Harbours and Passing Tolls Act, 1861 (24 & 25 Vict. c. 47).

Name of Borrower.	Amount of Loan.	Amount to be written off.
	£	£
Eyemouth Harbour Trustees -	10,000	200

CHAPTER 34.

An Act to make further provision with respect to the cancelling or suspending of licences under the Whale Fisheries (Scotland) Act, 1907.

[4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Secretary for Scotland may cancel or suspend licences under principal Act. 7 Edw. 7. c. 41.

1. It shall be lawful for the Secretary for Scotland, on the application of any persons interested and after such inquiry as he may direct, without compensation to order the cancellation or the suspension for a specified period of any licence issued by the Fishery Board for Scotland under the Whale Fisheries (Scotland) Act, 1907 (in this Act referred to as the principal Act), if he is satisfied that the prosecution of the whaling industry under the licence is prejudicial to the herring fishery or to any other sea fishery: Provided that any such order shall not take effect until it has lain on the Table of each House of Parliament for thirty days on which such House is sitting, and, if either House within that period resolve that the whole or

any part of the order ought to be annulled, the same shall not take effect, without prejudice to the making of a new order.

Saving for powers of Board under principal Act.

2. Nothing in this Act shall affect the powers of the Fishery Board for Scotland to cancel or to suspend any licence under paragraph (8) of section two of the principal Act.

Citation.

3. This Act may be cited as the Whale Fisheries (Scotland) (Amendment) Act, 1922, and shall be construed together with the principal Act, and may, with that Act, be cited as the Whale Fisheries (Scotland) Acts, 1907 and 1922.

CHAPTER 35.

An Act to make better provision for the prevention of fire in premises where raw celluloid or cinematograph film is stored or used.

[4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

General safety provisions.

1.—(1) No premises shall be used for any purpose to which this Act applies—

(*a*) unless the occupier has furnished to the local authority in writing a statement of his name, the address of the premises, and the nature of the business there carried on;

(*b*) unless the premises are provided with such means of escape in case of fire as the local authority may reasonably require, and such means of escape are maintained in good condition and free from obstruction;

(*c*) if the premises are situated underneath premises used for residential purposes;

(*d*) if the premises are so situated that a fire occurring therein might interfere with the means of escape from the building of which they form part or from any adjoining building;

(*e*) where the premises form part of a building, unless such part either—

(i) is separated from any other part of the building by fire-resisting partitions (including fire-resisting ceilings and floors) and fire-resisting self-closing doors; or

(ii) is so situated and constructed that a fire occurring therein is not likely to spread to other parts of the building, and its use for the purposes to which this Act applies is sanctioned in writing by the local authority and any conditions attached to such sanction are complied with;

(*f*) unless the regulations set out in the First Schedule to this Act are duly observed;

(*g*) unless any regulations are duly observed which may be made by the Secretary of State with respect to the use upon the premises of any cinematograph or other similar apparatus.

(2) In the case of premises used for any purpose to which this Act applies at the date of the commencement of this Act, the provisions of this section requiring the occupier to furnish a statement to the local authority shall take effect at the expiration of two months after the commencement of this Act, and the provisions of this section requiring means of escape in case of fire to be provided shall not take effect until the expiration of such period as may be reasonably necessary for enabling the occupier to comply with any requirements of the local authority in that respect.

(3) Any person aggrieved by any requirement of a local authority, or the refusal of the local authority to grant any sanction, or by the conditions attached to any such sanction, may, within seven days after being notified of such requirement, refusal or conditions, appeal to a court of summary jurisdiction, provided that he has given not less than twenty-four hours notice in writing of such appeal and of the grounds thereof to the local authority, and the court on any such appeal may make such order as appears to the court to be just, including any order for the payment of costs.

(4) The Secretary of State may by order, made in accordance with the provisions contained in the Second Schedule to this Act—

(*a*) make regulations with respect to the use of any cinematograph or similar apparatus upon any premises used for any purpose to which this Act applies; and

(*b*) modify or add to the regulations set out in the First Schedule to this Act, and those regulations shall thereupon have effect as so modified or added to.

An order made under this section may apply either generally, or to such classes or descriptions of premises as may be mentioned in the order.

Purposes to which the Act applies.

2. The purposes to which this Act applies are—

(1) the keeping or storing of raw celluloid—

(*a*) in quantities exceeding at any one time one hundredweight; or

(*b*) in smaller quantities unless kept (except when required to be exposed for the purpose of the work carried on in the premises) in a properly closed metal box or case; and

(2) the keeping or storing of cinematograph film—

(*a*) in quantities exceeding at any one time twenty reels, or eighty pounds in weight; or

(*b*) in smaller quantities unless each reel is kept (except when required to be exposed for the purpose of the work carried on in the premises) in a separate and properly closed metal box or case:

Provided that—

(i) for the purposes of this Act, cinematograph film shall be deemed to be kept in any premises where it is temporarily deposited for the purpose of examination, cleaning, packing, re-winding or repair, but celluloid or cinematograph film shall not be deemed to be kept or stored in any premises where it is temporarily deposited whilst in the course of delivery, conveyance or transport; and

(ii) the provisions of this Act shall not, except in the cases referred to in paragraphs (*c*), (*d*) and (*e*) of subsection (1) of section one thereof, apply to premises to which the Factory and Workshop Acts, 1901 to 1920, apply; and

(iii) the provisions of this Act shall not apply to premises licensed in accordance with the provisions of the Cinematograph Act, 1909. 9 Edw. 7. c. 30.

Penalties for infringement of foregoing provisions.

3.—(1) In the event of any contravention in or in connection with any premises of the foregoing provisions of this Act, the occupier shall be liable on summary conviction to a fine not exceeding fifty pounds and, in the case of a continuing offence, to a further fine not exceeding ten pounds for each day on which the offence is continued after conviction thereof.

(2) In the event of the contravention by any person employed on any premises of any regulation contained in the First Schedule to this Act or of any regulation made under this Act, he shall be liable on summary conviction to a fine not exceeding five pounds.

(3) The provisions of section one hundred and forty-one of the Factory and Workshop Act, 1901 (which relates to the power of an occupier to exempt himself from fine on the conviction of the actual offender), shall apply to offences under this Act as it applies to offences under that Act. 1 Edw. 7. c. 22.

Execution of Act by local authorities.

4.—(1) It shall be the duty of local authorities to see that the provisions of this Act are duly complied with.

(2) The expenses incurred by a local authority in the execution of their powers under this Act shall be defrayed in the same manner as expenses incurred in the administration of the Public Health Acts, 1875 to 1908.

(3) The occupier of premises in respect of which a statement is required to be furnished to the local authority shall pay to the local authority when furnishing such statement and on the first day of January of every year thereafter, so long as the premises are used for any purpose to which this Act applies, such fees as the Secretary of State may prescribe.

Power of entry.

5.—(1) An officer duly authorised by a local authority may, at all reasonable times, enter and inspect any

premises which are used, or which such officer has reasonable cause to believe are used, wholly or in part for any purpose to which this Act applies.

(2) Every such officer as aforesaid shall be furnished with a certificate of his authorisation by the local authority and when visiting any such premises as aforesaid shall, if so required, produce the said certificate to the occupier of the premises.

Power to take samples.

6. An officer duly authorised by a local authority may, at any time, take for analysis sufficient samples of any material which he suspects to be or to contain celluloid.

Obstruction of officers.

7. If any person refuses to permit any officer authorised under this Act to enter or inspect any premises, or hinders or obstructs any such officer in the execution of his duty under this Act, or refuses to allow any officer to take samples in pursuance of the last preceding section or to give him facilities for the purpose, that person shall be liable on summary conviction to a fine not exceeding twenty pounds.

Power of county court to modify agreements and to apportion expenses.

8.—(1) If any occupier of premises is prevented by any agreement from carrying out any structural alterations which are necessary to enable him to comply with the provisions of this Act, and is unable to obtain the consent to those alterations of the person whose consent is necessary under the agreement, he may apply, in accordance with rules of court, to the county court, and the court, after hearing the parties and any witnesses whom they may desire to call, may make such an order setting aside or modifying the terms of the agreement as the court considers just and equitable in the circumstances of the case.

(2) Where in any premises any structural or other alterations are required in order to comply with the provisions of this Act and the occupier alleges that the whole or part of the expense of the alterations ought to be borne by the owner, the occupier may apply, in accordance with rules of court, to the county court, and the court, after hearing the parties and any witnesses whom they may desire to call, may make such order concerning the expenses or their apportionment as the court considers just and equitable in the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative the court may, at the request of the occupier, determine the lease.

9. For the purposes of this Act— Definitions.

The expression "celluloid" means and includes the substances known as celluloid and xylonite and other similar substances, containing nitrated cellulose or other nitrated products, but does not include any substances which are explosives within the meaning of the Explosives Act, 1875: 38 & 39 Vict. c. 17.

The expression "raw celluloid" means—

(*a*) celluloid which has not been subjected to any process of manufacture; and

(*b*) celluloid scrap or waste:

The expression "cinematograph film" means any film containing celluloid which is intended for use in a cinematograph or any similar apparatus:

The expression "local authority" means county borough councils, borough councils, urban district councils and rural district councils.

10. This Act shall apply to Scotland subject to the following modifications:— Application to Scotland and Ireland.

The Secretary for Scotland shall be substituted for the Secretary of State;

"Court of summary jurisdiction" and "county court" shall mean the sheriff;

"Local authority" shall mean the council of any county or burgh, and the expenses incurred by such council in the execution of their powers under this Act shall be defrayed out of any rate leviable equally on owners and occupiers.

(2) This Act shall not apply to Ireland.

11.—(1) This Act may be cited as the Celluloid and Cinematograph Film Act, 1922, and shall come into operation on the first day of October, nineteen hundred and twenty-two. Short title, commencement, &c.

(2) This Act shall not apply to the administrative county of London or to the city and royal burgh of Glasgow.

(3) The Secretary of State may by order direct that any provisions of the Liverpool Corporation Act, 1921, relating to the keeping, storing or manipulation of 11 & 12 Geo. 5. c. lxxiv.

celluloid and cinematograph films shall cease to have effect as from such date as may be fixed by the order, but so long as those provisions continue to have effect this Act shall not apply to the city of Liverpool.

SCHEDULES.

Sections 1 and 3.

FIRST SCHEDULE.

PART I.

RAW CELLULOID STORES.

The following regulation shall be observed in or in connection with premises where raw celluloid is kept or stored :—

All such celluloid shall be kept or stored in a fire-resisting store-room, and subject to the regulations applying to such store-rooms.

PART II.

PREMISES WHERE CINEMATOGRAPH FILM IS KEPT OR STORED.

The following regulations shall be observed in or in connection with premises where cinematograph film is kept stored or manipulated :—

1. All stock except when actually being used or manipulated shall be kept either in a fire-resisting store-room and subject to the regulations applying to such store-rooms, or in fire-resisting receptacles which shall not be used for any other purpose and shall be plainly marked "Film."

2. Every reel of film shall, except when required to be exposed for the purposes of the work carried on in the premises, be kept in a separate and properly closed metal box.

3. Not more than 10 reels or 40 pounds of film shall be exposed at any one time.

4. The following provisions shall apply to every room used—

(*a*) for the storing, or

(*b*) for the examination, cleaning, packing, re-winding or repair of film :—

(i) the room shall be used for no other purpose ;

(ii) the room shall be kept properly ventilated ;

(iii) adequate means of extinguishing fire, having regard to the amount of film on the premises, shall be kept constantly provided and readily available;

(iv) the furniture and apparatus shall be so arranged as to afford free egress to persons in the room in the event of fire;

(v) no open light or fire shall be allowed;

(vi) the fittings shall, so far as is practicable, be of non-inflammable or fire-resisting material;

(vii) the doors shall be self-closing, and shall, except in the case of sliding doors, be so constructed as to open outwards;

(viii) no person shall smoke in or take matches into the room;

(ix) there shall be kept posted up in large characters in the room—

(*a*) a printed copy of Parts II. and III. of this Schedule;

(*b*) full instructions as to the action to be taken in case of fire; and

(*c*) full directions as to the means of escape from the room in case of fire.

5. All celluloid waste and scrap on the premises shall be collected at frequent intervals and placed either in a fire-resisting store-room, or in a strong metal receptacle fitted with a hinged lid and marked "Celluloid Waste."

PART III.

FIRE-RESISTING STORE-ROOMS.

The following regulations shall apply to fire-resisting store-rooms:—

1. The store-room shall be constructed of fire-resisting material in such manner as to prevent as far as is reasonably practicable any fire occurring in the store-room from spreading to other parts of the premises or to other premises, and any fire occurring outside the store-room from reaching the contents thereof.

2. The store-room shall be properly ventilated.

3. The fittings of the store-room shall, so far as is practicable, be of non-inflammable or fire-resisting material.

4. Adequate means of extinguishing fire shall be kept constantly provided and readily available.

5. No open light and no means of heating shall be allowed in the store-room.

6. If electric light is used, all conductors and apparatus shall be so constructed, installed, protected, worked and maintained as to prevent danger. Vacuum-type lamps only shall be used, and shall be in fixed positions and fitted with substantial outer protecting globes.

7. No person shall smoke in or take matches into the store-room.

8. The doors of the store-room shall be self-closing and shall be kept securely locked, except when articles are being placed therein or removed therefrom.

9. The store-room shall not be used for any purpose other than the keeping of celluloid or cinematograph film, and shall be clearly marked "Celluloid" or "Film."

10. Not more than one ton of celluloid and not more than five hundred and sixty reels or one ton of cinematograph film shall be kept in one store-room:

Provided that, where a store-room is divided into separate compartments by separate fire-resisting partitions without any openings therein, each such compartment may, for the purposes of this provision, be regarded as a separate store-room.

11. When both celluloid and cinematograph film are stored in one store-room, the aggregate quantity therein shall, at no time, exceed one ton.

Section 1.

SECOND SCHEDULE.

PROCEDURE FOR MAKING ORDERS, &c.

1. Before the Secretary of State makes any order, he shall publish, in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the order, and of the place where copies of the draft order may be

obtained, and of the time (which shall be not less than twenty-one days) within which any objection made with respect to the draft order by or on behalf of persons affected must be sent to the Secretary of State.

2. Every objection must be in writing and state—

(*a*) the draft order or portions of the draft order objected to;

(*b*) the specific grounds of objection; and

(*c*) the omissions, additions, or modifications asked for.

3. The Secretary of State shall consider any objection, made by or on behalf of any persons appearing to him to be affected, which is sent to him within the required time, and he may, if he thinks fit, amend the draft order, and shall then cause the amended draft to be dealt with in like manner as an original draft.

4. Where the majority of the occupiers of the premises affected by the proposed order dispute the reasonableness of the requirements in the proposed order, and the Secretary of State does not amend or withdraw the draft order, he shall, before making the order, direct an inquiry to be held in the manner hereinafter provided. The Secretary of State may also direct an inquiry to be held in regard to any objection, though not made by the majority of the occupiers, if he thinks fit.

5. The Secretary of State may appoint a competent person to hold an inquiry with regard to any draft order, and to report to him thereon.

6. The inquiry shall be held in public, and any person who, in the opinion of the person holding the inquiry, is affected by the draft order, may appear at the inquiry either in person or by counsel, solicitor, or agent.

7. The witnesses on the inquiry may, if the person holding it thinks fit, be examined on oath.

8. Subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Secretary of State.

9. The fee to be paid to the person holding the inquiry shall be such as the Secretary of State may direct.

10. The order shall be laid as soon as possible before both Houses of Parliament, and, if either House within the next forty days after the order has been laid before that House resolve that all or any of the provisions of the order ought to be annulled, the order shall, after the date of the resolution, be of no effect, without prejudice to the validity of anything done in

the meantime thereunder or to the making of any new order. If any of the provisions of an order are annulled, the Secretary of State may, if he thinks fit, withdraw the whole order.

11. Notice of any order having been made and of the place where copies of them can be purchased shall be published in the London and Edinburgh Gazettes.

CHAPTER 36.

An Act to amend the Law with respect to Customs in the Isle of Man. [4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Duties on tobacco. 8 & 9 Geo. 5. c. 41.

1. The additional duties of Customs on tobacco removed or imported into the Isle of Man imposed by the Isle of Man (Customs) Act, 1918, shall continue to be charged, levied, and paid as from the first day of August, nineteen hundred and twenty-two, until the first day of August, nineteen hundred and twenty-three.

Duties on ale or beer. 9 & 10 Geo. 5. c. 74.

2. The additional duties of Customs on ale or beer removed or imported into the Isle of Man imposed by the Isle of Man (Customs) Act, 1919, shall continue to be charged, levied, and paid as from the first day of August, nineteen hundred and twenty-two, until the first day of August, nineteen hundred and twenty-three.

Duties on spirits. 11 & 12 Geo. 5. c. 40.

3. The additional duties of Customs on spirits removed or imported into the Isle of Man imposed by the Isle of Man (Customs) Act, 1921, shall continue to be charged, levied, and paid as from the first day of August, nineteen hundred and twenty-two, until the first day of August, nineteen hundred and twenty-three.

Duties on cocoa.

4.—(1) On and from the fifteenth day of May, nineteen hundred and twenty-two, until the first day of August, nineteen hundred and twenty-three, there shall be charged, levied, and paid on cocoa removed or imported

into the Isle of Man, shown to the satisfaction of the Commissioners of Customs and Excise to have been consigned from and grown, produced or manufactured in, the British Empire, and on other cocoa respectively, the following duties of Customs:—

		Rate of Duty					
		consigned from and grown, produced, or manufactured in, the British Empire.			consigned from, grown, produced, or manufactured elsewhere.		
		£	s.	d.	£	s.	d.
Cocoa	- cwt.	1	3	4	1	8	0
Husks and shells	- cwt.	0	3	4	0	4	0
Cocoa butter	- lb.	0	0	2½	0	0	3

(2) The duties of Customs imposed by this section are duties of Customs within the meaning of section seven of the Finance Act, 1901, and the Customs (Tariff) Act, 1876, shall apply to the Isle of Man so far as is necessary to give effect to that section: 1 Edw. 7. c. 7. 39 & 40 Vict. c. 35.

Provided that, in the application of this section to any manufactured or prepared goods in accordance with the provisions of subsection (1) of the said section seven, the first day of July, nineteen hundred and twenty-two, shall be substituted for the fifteenth day of May, nineteen hundred and twenty-two.

(3) This section shall have effect in lieu of section four of the Isle of Man (Customs) Act, 1921.

5. The new import duties imposed on certain goods removed or imported into the Isle of Man by section five of the Isle of Man (Customs) Act, 1921, shall continue to be charged, levied, and paid as from the first day of August, nineteen hundred and twenty-two, until the first day of August, nineteen hundred and twenty-three: New import duties.

Provided that, in the case of any goods to which this section applies shown to the satisfaction of the Commissioners of Customs and Excise to have been consigned from and manufactured in the British Empire, the rate of duty shall be two-thirds of the full rate, and the provisions of subsections (1) and (2) of section eight of the Finance Act, 1919, shall apply with respect to the preferential rates referred to in this section as they apply 9 & 10 Geo. 5. c. 32.

with respect to the preferential rates referred to in that section as though those provisions were herein set out and in terms made applicable to the rates referred to in this section, with the substitution of the Lieutenant-Governor of the Isle of Man for the Board of Trade.

Short title.

6. This Act may be cited as the Isle of Man (Customs) Act, 1922.

CHAPTER 37.

An Act to amend the Naval Discipline Act.

[4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of s. 53 of the Naval Discipline Act.

1. In paragraph (4) of section fifty-three of the Naval Discipline Act (which relates to the term of penal servitude which may be awarded) "three years" shall be substituted for "five years."

Amendment of s. 58 of the Naval Discipline Act.

2. Section fifty-eight of the Naval Discipline Act (which relates to the constitution of courts-martial) shall be amended as follows:—

In subsection (2) after the word "commander" there shall be inserted the words "lieutenant-commander."

In subsection (3) after the word "commanders" there shall be inserted the words "lieutenant-commanders."

In subsection (15) after the word "commander," wherever that word occurs, there shall be inserted the words "lieutenant-commander."

Amendment of s. 60 of the Naval Discipline Act.

3. In section sixty of the Naval Discipline Act (which relates to the times of sitting of courts-martial), for the words "A court-martial held in pursuance of this "Act shall sit from day to day" there shall be substituted the words "A court-martial held in pursuance "of this Act may, if it appears to the Court that an "adjournment is desirable, be adjourned for a period

" not exceeding six days, but except where such an " adjournment is ordered shall sit from day to day."

Amendment of s. 80 of the Naval Discipline Act.

4. At the end of section eighty of the Naval Discipline Act, which relates to the removal of prisoners to asylums in the case of insanity, the following provision shall be inserted :

" This section shall not apply to persons imprisoned in England."

Amendment of s. 86 of the Naval Discipline Act.

5. Section eighty-six of the Naval Discipline Act (which defines certain terms) shall be amended as follows :—

(1) In the definition of " officer," after the words " warrant officer " there shall be inserted the words " other than a warrant officer, class II., of the Royal Marines."

(2) In the definition of " superior officer," for the word " including " there shall be substituted the words " warrant officers."

Provisions respecting naval officers and seamen in ships of self-governing Dominions.

6.—(1) After section ninety A of the Naval Discipline Act there shall be inserted the following new section :—

" 90B.—(1) Any person in or belonging to His Majesty's Navy and any officer or man of the Royal Marines who, by order of the Admiralty or of the Commander in Chief or the Senior Naval Officer present on a foreign station, is serving in a ship of or belonging to the naval forces of a self-governing Dominion (provided such ship is not at the time placed at the disposal of the Admiralty), or in a naval establishment of a self-governing Dominion, or who is on board such ship or in such establishment as aforesaid awaiting passage or conveyance to any destination shall, for all purposes of command and discipline, be subject to the laws and customs for the time being applicable to the ships and naval forces of such self-governing Dominion.

" (2) For the purposes of this section, the expression ' self-governing Dominion ' includes the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland."

Amendment of s. 98A of the Naval Discipline Act.

7. Section ninety-eight A of the Naval Discipline Act (which relates to the liability of seamen, &c. for the maintenance of wives and children) shall be amended as follows :—

The following subsection shall be substituted for subsection (2):—

"(2) Where—

(*a*) it appears to the satisfaction of the Admiralty or any person deputed by them for the purpose that a person subject to this Act has deserted or left in destitute circumstances, without reasonable cause, his wife or any of his legitimate children under fourteen years of age; or

(*b*) any order or decree is made under any Act or at common law for payment by a man who is or subsequently becomes subject to this Act either of the cost of the maintenance of his wife or child, or of any bastard child of whom he is the putative father, or of the cost of any relief given to his wife or child by way of loan, and a copy of such order or decree is sent to the Admiralty or any person deputed by them for the purpose;

the Admiralty or the person so deputed may direct to be deducted from the pay of the person so subject to this Act, and to be appropriated towards the maintenance of his wife or children, or in liquidation of the sum adjudged to be paid by such order or decree, as the case may be, in such manner as the Admiralty or the person so deputed may think fit, a portion of such pay, at their or his discretion, but the amount deducted shall not exceed the amount fixed by the order or decree (if any), and shall not be a higher rate than hereinafter set out, namely—

(i) in the case of a chief mechanician, chief artificer, chief shipwright, or chief petty officer mechanic, or a Warrant Officer (Class II.), a quarter-master-sergeant, a quarter-master-sergeant instructor, or a company sergeant-major in the Royal Marines—in respect of a wife or children four shillings a day and in respect of a bastard child three shillings a day;

(ii) in the case of any other chief petty officer or a petty officer or of any other non-commissioned officer not below the rank of sergeant in the

Royal Marines—in respect of a wife or children three shillings a day and in respect of a bastard child two shillings a day;

(iii) in the case of any other naval rating, or soldier in the Royal Marines—in respect of a wife or children two shillings a day and in respect of a bastard child one shilling and sixpence a day:

"Provided that no such deductions from pay in liquidation of a sum adjudged to be paid by an order or decree as aforesaid shall be ordered unless the Admiralty are, or the person deputed by them is, satisfied that the person against whom the order or decree was made has had a reasonable opportunity of appearing himself, or has appeared by a duly authorised legal representative, to defend the case before the court by which the order or decree was made, and a certificate, purporting to be a certificate of the commanding officer of the ship on which he was or is serving, or on the books of which he was or is borne, that the person has been prevented by the requirements of the service from attending at a hearing of any such case shall be evidence of the fact unless the contrary is proved.

"Where any arrears have accumulated in respect of sums adjudged to be paid by any such order or decree as aforesaid whilst the person against whom the order or decree was made was serving under this Act, whether or not deductions in respect thereof have been made from his pay under this section, then after he has ceased so to serve an order of committal shall not be made in respect of those arrears unless the court is satisfied that he is able, or has, since he has ceased so to serve, been able to pay the arrears or any part thereof and has failed to do so."

In subsection (3) for the words "the process may be served by being left with the Admiralty" there shall be substituted the words "the process may, after not less "than three weeks' notice to the Admiralty, be served by "being sent to the Secretary of the Admiralty"; for the words "a sum of money" there shall be substituted the words "such sum of money if any"; for the word "sufficient" there shall be substituted the words "as may be fixed by the Admiralty as being necessary"; and the word "daily" shall be omitted.

At the end of the section the following new subsection shall be added.

"(5) In this section the expression 'pay' includes all sums payable to a man in respect of his services other than allowances in lieu of lodgings, rations, provisions, and clothing."

Printing and construction of Naval Discipline Act.

8. The following Part shall be inserted in the Naval Discipline Act immediately after Part VII., and that Act shall have effect as if it had, when originally enacted, contained such a Part:—

"PART VIII.

"PRINTING CLAUSE.

"102.—(1) Every enactment and word which is directed by any Act amending this Act to be substituted for or added to any portion of this Act shall form part of this Act in the place assigned to it by the amending Act, and this Act and all Acts which refer thereto shall, after the commencement of the amending Act, be construed as if that enactment or word had been originally enacted in this Act in the place so assigned, and, where it is substituted for another enactment or word, had been so enacted in lieu of that enactment or word, and as if this Act had been enacted with the omission of any enactment or word which is directed by the amending Act to be repealed or omitted from this Act, and the expression 'this Act' shall be construed accordingly.

"(2) A copy of this Act with every such enactment and word inserted in the place so assigned, and with the omission of any portion of this Act directed by any such amending Act as aforesaid to be repealed or omitted from this Act, shall be prepared and certified by the Clerk of the Parliaments and deposited with the rolls of Parliament, and His Majesty's printers shall print in accordance with the copy so certified all copies of this Act which are printed after the commencement of such amending Act.

"(3) A reference in any enactment, Order in Council, or other document, to the Naval Discipline

Act shall, unless the context otherwise requires, be construed as a reference to this Act as amended by any enactment for the time being in force."

Short title, commencement, and repeal.

9.—(1) This Act may be cited as the Naval Discipline Act, 1922.

(2) This Act shall come into operation at the expiration of one month after the passing thereof.

(3) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

SCHEDULE.

Section 9.

Session and Chapter.	Short Title.	Extent of Repeal.
47 & 48 Vict. c. 39.	The Naval Discipline Act, 1884.	Section seven.
9 Edw. 7. c. 41.	The Naval Discipline Act, 1909.	Section two.
5 & 6 Geo. 5. c. 30.	The Naval Discipline Act, 1915.	Section sixteen.
5 & 6 Geo. 5. c. 73.	The Naval Discipline (No. 2) Act, 1915.	Section five.
7 & 8 Geo. 5. c. 34.	The Naval Discipline Act, 1917.	Section two.
7 & 8 Geo. 5. c. 51.	The Air Force (Constitution) Act, 1917.	In section seven, the words "and "section two of the Naval "Discipline Act, 1917 (which "relates to the printing and "construction of the Naval "Discipline Act), shall apply "to the amendments of the "Naval Discipline Act made "by this Act in like manner "as it applies to the amendments thereof made by this "Act."

CHAPTER 38.

An Act to make further provision with respect to the cost of medical benefit and to the expenses of the administration of benefits under the Acts relating to National Health Insurance to repeal section two and to amend section twenty-nine of the National Health Insurance Act, 1918, and for purposes connected therewith.

[4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Provision as to cost of medical benefit and administration expenses.

10 & 11 Geo. 5. c. 10.

1.—(1) There shall be paid in each year out of the funds hereinafter mentioned—

(*a*) to insurance committees in England, on account of the cost, and the expenses of the administration, of medical benefit, by way of addition to the sums payable under subsection (1) of section seven of the National Health Insurance Act, 1920, and subject to such conditions as may be prescribed, a sum at such yearly rate as may be prescribed, but not exceeding two shillings and four pence halfpenny per year, in respect of each of the total number of the persons in respect of whom payments are made under the said section seven ; and

(*b*) to the Minister of Health, on account of the expenses incurred by him in connection with the administration of benefits, a sum at such yearly rate as may be prescribed, but not exceeding three halfpence per year, in respect of each of the total number (calculated in the prescribed manner) of the members of the society.

(2) The sums to be paid as aforesaid shall be paid in the case of each approved society out of the benefit fund of the society, and there shall be repaid to the benefit fund out of the Central Fund an amount equal to seven-ninths of one-third of the sums so paid out of the benefit fund.

(3) Subject as hereinafter provided, no part of any sums paid under this section out of the benefit fund of an approved society shall be derived from moneys provided by Parliament:

Provided that there shall be credited to each society out of moneys provided by Parliament in such manner and at such times as may be prescribed by regulations to be made by the National Health Insurance Joint Committee with the approval of the Treasury, such sum (to be calculated in such manner as the regulations may prescribe) as would, by virtue of section three of the National Insurance Act, 1911, be payable out of moneys provided by Parliament if the sums paid by the society under this section, together with interest thereon from the date of payment at the rate prescribed for the purposes of paragraph (*c*) of subsection (1) of section fifty-six of the National Insurance Act, 1911, were, on the valuation of the society made next after the passing of this Act, applied for the purpose of additional benefits under the National Insurance Act, 1911. 1 & 2 Geo. 5. c. 55.

(4) In this section the expression "benefit fund" means the fund out of which benefits are payable under Part I. of the National Insurance Act, 1911.

(5) This section shall come into operation on the first day of April, nineteen hundred and twenty-two, and subsection (1) of this section shall continue in force until the thirty-first day of December, nineteen hundred and twenty-three.

Abolition of Women's Equalisation Fund. 7 & 8 Geo. 5. c. 62. 3 & 4 Geo. 5. c. 37.

2.—(1) Section two of the National Health Insurance Act, 1918 (which provides for the establishment of the Women's Equalisation Fund), shall cease to have effect, and in the exercise of the power conferred by section twenty-eight of the National Insurance Act, 1913, of making regulations with respect to the crediting or variation or cancellation of reserve values, regard shall be had to the provisions of this section.

(2) This section shall be deemed to have had effect as from the first day of January, nineteen hundred and twenty-two:

Provided that nothing in this section shall render invalid any scheme or regulation duly made before the passing of this Act under the said section two of the

National Health Insurance Act, 1918, and any scheme or regulation so made shall have full effect.

(3) This section shall apply to Northern Ireland.

Application of part of sums unclaimed in stamp sales account towards cancellation of arrears.

3.—(1) Such part as the National Health Insurance Joint Committee may direct of the sums which, under section twenty-nine of the National Health Insurance Act, 1918 (which provides for the disposal of sums unclaimed in the stamp sales account) are to be carried to the Central Fund shall, instead of being so carried, be credited to approved societies in accordance with a scheme to be made by the said committee with the approval of the Treasury, and any sums credited under this section to an approved society shall be applied by the society in such manner as the scheme may provide for the purpose of preventing such members of the society as are in arrears from being or continuing to be suspended from benefit.

(2) This section shall continue in force until the thirty-first day of December, nineteen hundred and twenty-two.

Payment out of Central Fund for health insurance purposes in Northern Ireland.

4. There shall be paid out of the Central Fund to the Ministry of Labour for Northern Ireland, to be applied for the purposes of National Health Insurance in Northern Ireland in such way as the Parliament of Northern Ireland may direct, such sums as the National Health Insurance Joint Committee may determine, having regard to the sums paid out of the fund under this Act to the benefit funds of approved societies in Great Britain.

Application to Scotland, &c.

5.—(1) This Act shall apply to Scotland subject to the following modifications, that is to say, two shillings and nine pence shall be substituted for two shillings and four pence halfpenny, the Scottish Board of Health shall be substituted for the Minister of Health, and two pence halfpenny shall be substituted for three halfpence, and section one of this Act shall have effect as if there were inserted after the word "benefits" in paragraph (*b*) of subsection (1) thereof the words "and the "provision of a medical service for insured persons in "such districts of Scotland (other than the Highlands "and Islands within the meaning of the Highlands and "Islands (Medical Service) Grant Act, 1913) as may be "determined by the Scottish Board of Health to be "necessitous."

3 & 4 Geo. 5. c. 26.

(2) This Act shall apply to Wales subject to the following modifications, that is to say, two shillings and eleven pence halfpenny shall be substituted for two shillings and four pence halfpenny and two pence shall be substituted for three halfpence.

(3) This Act shall not (except as therein otherwise expressly provided) apply to Ireland.

Short title and construction.

6. This Act may be cited as the National Health Insurance Act, 1922, and shall be construed as one with the National Health Insurance Acts, 1911 to 1921, and those Acts and this Act may be cited together as the National Health Insurance Acts, 1911 to 1922.

CHAPTER 39.

An Act to make provision against the discharge or escape of oil into navigable waters.

[4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Penalty for discharge of oil into navigable waters.

1.—(1) If any oil is discharged, or allowed to escape whether directly or indirectly, into any waters to which this Act applies from any vessel or from any place on land or from any apparatus used for the purpose of transferring oil from or to any vessel to or from any other vessel (whether a vessel to which this Acts applies or not) or to or from any place, the owner or master of the vessel, from which the oil is discharged or allowed to escape, the occupier of the land, or the person having charge of the apparatus, as the case may be, shall be guilty of an offence and shall, in respect of each such offence, be liable on summary conviction to a fine not exceeding one hundred pounds:

Provided that it shall be a good defence to proceedings for an offence under this section to prove—

(*a*) if the proceedings are against the owner or master of a vessel, that the escape of the oil was

due to, or that it was necessary to discharge the oil by reason of, the vessel being in collision or the happening to the vessel of some damage or accident, and also, if the proceedings are in respect of an escape of oil, that all reasonable means were taken by the master to prevent the escape; and

(*b*) if the proceedings are against any other person and are in respect of an escape of oil, that all reasonable means were taken by that person to prevent the escape.

(2) It shall be lawful for a harbour authority to appoint a place within their jurisdiction at which the ballast water of vessels in which a cargo of petroleum spirit has been carried may be discharged, and where a place is so appointed any such ballast water may, notwithstanding anything in this section, be discharged at that place, but only at such times and subject to such conditions as the harbour authority may from time to time determine:

Provided that the foregoing provision shall not apply to ballast water containing oil other than petroleum spirit.

For the purposes of this subsection, the expression "petroleum spirit" means refined petroleum which is subject to rapid evaporation and which, when tested in the manner prescribed by the Petroleum Act, 1879, or any enactment amending that Act, gives off an inflammable vapour at a temperature of less than 73 degrees of Fahrenheit's thermometer.

42 & 43 Vict. c. 47.

Prohibition of transfer of oil at night.

2.—(1) It shall not be lawful during the hours between sunset and sunrise to transfer any oil to or from any vessel lying in any harbour unless notice of intention so to do has been given in accordance with the provisions of this section.

(2) If any oil is transferred to or from any vessel in contravention of the provisions of this section, the master of the vessel and, if the oil is transferred from or to premises on land, the occupier of the premises shall, in respect of each offence, be liable on summary conviction to a fine not exceeding twenty pounds.

(3) A notice for the purposes of this section must be given to the harbour master of the harbour in which the vessel is lying and shall be of no effect unless given

at least three hours and not more than ninety-six hours before the time at which the operation of transferring the oil commences :

Provided that, in the case of an operation to be performed at a place where such operations are frequently and regularly carried on, or in the case of a transfer of oil for fire brigade purposes, the notice may, instead of being a notice given to the harbour master within the time hereinbefore provided, be a general notice given to the harbour master to the effect that such operations will during such period not exceeding twelve months from the date of notice, as may be specified therein, be carried on between sunset and sunrise.

Keeping of records with respect to transfer of oil.

3.—(1) There shall be kept in the case of every vessel a record, in such form as the Board of Trade may prescribe, of all operations in connection with the transfer of oil to and from the vessel.

(2) The record required to be kept under this section shall, in the case of a barge, be kept, so far as relates to the transfer of oil to the barge, by the person supplying the oil, and, so far as relates to the transfer of oil from the barge, by the person to whom the oil is delivered, and shall, in every other case, be kept by the master of the vessel.

(3) Every record kept under this section may at all reasonable times be inspected by the harbour master of the harbour in which the vessel is or, in the case of a barge, was at the time of transfer or by any person duly authorised in that behalf by the Board of Trade, the Minister of Agriculture and Fisheries, the Fishery Board for Scotland, or the Ministry of Commerce for Northern Ireland.

(4) If any person required to keep a record under this section fails to keep such a record or to make proper entries therein, or to produce the record on a demand in that behalf made by any person authorised to inspect it, he shall, in respect of each offence, be liable on summary conviction to a fine not exceeding fifty pounds, and if any such person makes any entry in the record which is to his knowledge false or in any material particular misleading, or wilfully fails to make any entry in the record, he shall, in respect of each offence, be liable on summary conviction to a fine not exceeding one hundred pounds.

Liquid contained in spaces used for carriage of oil to be deemed oil for purposes of Act.

4.—(1) Where oil has been contained in any tanks or other spaces in a vessel, any liquid discharged or allowed to escape from those tanks or spaces shall, unless it is proved that the tanks or spaces have been cleaned of oil, or that the liquid has been freed from oil by means of a separating apparatus, be deemed to be oil within the meaning of this Act.

(2) In the case of proceedings against any person other than the master of a vessel, evidence of the matters aforesaid may be given by means of a certificate signed by the master, and, if the master of a vessel gives any certificate under this section which is to his knowledge false or in any material particular misleading, he shall, on summary conviction, be liable in respect of each offence to a fine not exceeding fifty pounds.

(3) In this section the expression "master of a vessel" means the person named as the master in the agreement with the crew.

Application of fines.

5. Where any person is convicted of the offence of having in contravention of the provisions of this Act discharged or allowed to escape any oil into any waters to which this Act applies, the court before which he is convicted may, on the application of the prosecutor, order that the whole or any part of the fine imposed in respect of the offence shall be paid to such person as the court may direct for the purpose of being applied by him in or towards meeting any expenses incurred or to be incurred in the removal of the oil so discharged or allowed to escape.

Power to inspect premises and vessels.

6.—(1) The Board of Trade may, if they think fit, either at their own instance or at the instance of the Minister of Agriculture and Fisheries, the Fishery Board for Scotland, or the Ministry of Commerce for Northern Ireland, or of any local authority, appoint any officer of the Board of Trade or other competent and independent person to inspect any vessel being in any waters to which this Act applies, and any person so appointed or the harbour master of the harbour in which the vessel is may at all reasonable times enter upon the vessel and examine the measures adopted to prevent the escape of oil.

(2) If it is represented to the Board of Trade by the Minister of Agriculture and Fisheries, the Fishery Board for Scotland, or the Ministry of Commerce for

Northern Ireland, or by any local or harbour authority, that there is reason to suspect that oil is escaping or has escaped, whether directly or indirectly, into waters to which this Act applies from premises adjacent to or in the neighbourhood of those waters, the Board of Trade may, if they think fit, appoint any officer of the Board or other competent and independent person to inspect the premises, and any officer or person so appointed may at all reasonable times enter upon and inspect the premises.

(3) If any person obstructs or interferes with any person authorised to enter on any premises or vessels under this section, he shall, on summary conviction, be liable in respect of each offence to a fine not exceeding ten pounds.

Legal proceedings.

7.—(1) Where an offence under this Act is alleged to have been committed by the master of a vessel who thereafter departs from Great Britain and Northern Ireland before the expiration of the period within which proceedings for the offence might have been instituted against him, proceedings for the offence may, notwithstanding anything in the Summary Jurisdiction Acts, be instituted against him at any time within two months next after the date on which he first returns to Great Britain or Northern Ireland.

(2) For the purpose of any proceedings for an offence under this Act, the offence may be treated as having been committed either at the place at which it was actually committed or at any place in which the person charged with the offence may at any time be.

(3) Where a fine imposed by any court in proceedings against the owner or master of a vessel for an offence under this Act is not paid at the time and in manner ordered by the court, the court shall, without prejudice to any other powers of the court for enforcing payment, have power to direct the amount remaining unpaid to be levied by distress or poinding and sale of the vessel, her tackle, furniture and apparel.

(4) Proceedings for an offence under this Act shall not be instituted in the case of an offence committed in or in relation to the waters of a harbour except by the harbour authority, and in any other case except by a person authorised in that behalf by special or general directions of the Board of Trade, the Minister of Agriculture and Fisheries, or the Ministry of Commerce

for Northern Ireland: Provided that nothing in this subsection shall apply to the institution of proceedings in Scotland.

Interpretation and application.

8.—(1) In this Act, unless the context otherwise requires—

The expression "oil" means oil of any description, and includes spirit produced from oil and oil mixed with water:

The expression "harbour" means any harbour whether natural or artificial, and includes any port, dock, estuary or arm of the sea, any river or canal navigable by sea-going vessels, and any waters in which sea-going vessels can obtain shelter or ship or unship goods or passengers:

The expression "harbour authority" includes all persons or bodies of persons, corporate or unincorporate, being proprietors of or entrusted with the duty or invested with the power of constructing, improving, managing, regulating or maintaining a harbour:

The expression "harbour master" includes any person appointed by a harbour authority for the purpose of enforcing the provisions of this Act:

The expression "master" when used in relation to any vessel means the person having the command or charge of the vessel for the time being:

57 & 58 Vict. c. 60.

The expression "vessel" has the same meaning as in the Merchant Shipping Act, 1894:

The expression "barge" includes lighter or like vessel:

The expression "transfer" in relation to oil means transfer in bulk:

The expression "local authority" means, in the application of this Act to England, the council of a county or county borough or urban or rural district or a port sanitary authority, in the application of this Act to Scotland the council of a county or burgh or a port local authority, and, in the application of this Act to Northern Ireland, the council of a county, county borough or county district, or a port sanitary authority.

(2) This Act shall apply to any vessel which is capable of carrying in bulk, whether for cargo or for bunker purposes, more than twenty-five tons of oil, or which, though not so capable is constructed or fitted to carry in bulk as aforesaid more than five tons of oil in any one space or container.

(3) The waters to which this Act applies are the territorial waters of Great Britain and Northern Ireland and the waters of harbours therein.

(4) For the purposes of section six of the Government of Ireland Act, 1920, this Act in its application to Northern Ireland shall be deemed to be an Act passed before the appointed day. 10 & 11 Geo. 5. c. 67.

9.—(1) This Act may be cited as the Oil in Navigable Waters Act, 1922. Short title and saving.

(2) The provisions of this Act shall be in addition to and not in derogation of or substitution for any provisions for the protection of a harbour as defined in this Act contained in any existing Act or re-enactment thereof or in any order, rule, regulation, or bye-law made or to be made under such Act or any re-enactment thereof.

(3) This Act shall come into operation on the first day of January, nineteen hundred and twenty-three.

CHAPTER 40.

An Act to confirm an agreement between the Mayor and Commonalty and Citizens of the City of London and the President of the Air Council in relation to the acquisition of certain lands in the county of Surrey, and for purposes in connection therewith. [4th August 1922.]

WHEREAS an Agreement (in this Act referred to as "the agreement") was made on the seventeenth day of November, one thousand nine hundred and twenty-one, between the Mayor and Commonalty and Citizens of the City of London (in this Act and the agreement referred to as "the Corporation") of the one part and the President of the Air Council (in this Act and the agreement referred to as "the President") of the other

part with respect to the acquisition by the President of certain land in the parish of Coulsdon in the county of Surrey (in this Act and the agreement referred to as "the aerodrome site"), and the conveyance to the Corporation of certain other lands (in this Act and the agreement referred to as "the substituted lands") in substitution therefor, which agreement is set out in the Schedule to this Act:

And whereas the agreement is subject to the sanction of Parliament being obtained thereto:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Confirmation of agreement.

1.—(1) The agreement is hereby sanctioned and shall have effect as if enacted in this Act, and the President and the Corporation shall have, and shall be deemed to have had, all such powers as may be necessary in order to give effect to the agreement.

(2) Any land or rights acquired by the Corporation under this Act and the agreement shall be deemed to be land and rights acquired by them under the Corporation of London (Open Spaces) Act, 1878, and that Act shall apply accordingly.

41 & 42 Vict. c. cxxvii.

Stopping up of roads, &c., over aerodrome site.

2.—(1) The President by order may stop up, divert, or extinguish any public or private right of way over or on the aerodrome site, but reasonable compensation shall be made to all persons who have any rights in any private right of way so stopped up or extinguished.

(2) Nothing in this section shall authorise the President to stop up or to divert or to extinguish any right of way over the main road to Caterham so far as the same crosses the aerodrome site.

Extinguishment and transfer of common rights, &c.

3.—(1) As from the passing of this Act, all rights of common, manorial, sporting or other similar rights in over or affecting the aerodrome site (if any) shall be exerciseable over the substituted lands in the same manner and to the same extent so far as may be reasonably practicable, as the said rights have hitherto been exerciseable in or over the aerodrome site, and any such rights over the aerodrome site shall be extinguished, and

the President shall give notice of the effect of this section by publication in two successive weeks in some local newspaper circulating in the district.

(2) Any person who suffers any damage or loss by reason of any such right as aforesaid being transferred from the aerodrome site to the substituted lands, shall be entitled to reasonable compensation in respect thereof if within three months after such publication as aforesaid he sends to the President in writing the amount of his claim and the grounds upon which it is based.

Assessment of compensation.

4. The amount of compensation (if any) to which any person is entitled under this Act shall be determined, in default of agreement, by an official arbitrator under the Acquisition of Land (Assessment of Compensation) Act, 1919. 9 & 10 Geo. 5. c. 57.

Expenses of Act.

5. Any expenditure incurred by the President under this Act and the agreement (including the amount of any compensation or costs payable by him), shall be paid out of moneys provided by Parliament.

Saving of powers of President and Corporation.

6. The powers conferred on the President and the Corporation by this Act shall be in addition to and not in derogation of any other powers of the President and the Corporation.

Short title.

7. This Act may be cited as the Air Ministry (Kenley Common Acquisition) Act, 1922.

SCHEDULE.

Preamble.

AN AGREEMENT made the 17th day of November 1921 BETWEEN THE MAYOR AND COMMONALTY AND CITIZENS OF THE CITY OF LONDON (hereinafter referred to as "the Corporation") of the one part, and THE PRESIDENT OF THE AIR COUNCIL (hereinafter referred to as "the President") of the other part.

WHEREAS under or by virtue of the Corporation of London (Open Spaces) Act, 1878, and an indenture of conveyance dated the 5th day of February, 1883, and made between Edmund Byron of the one part and the Corporation of the other part, the land described in the First Schedule hereto

and delineated on the plan hereto annexed and thereon edged blue was (inter alia) acquired by and is still vested in and held by the Corporation and their successors for ever subject to the provisions of the said Act in mortmain in perpetuity as an open space:

And whereas the President or some other Government Department took possession of the said land on or about the 8th day of June, 1917, under the Defence of the Realm Regulations, and used the same as an aerodrome for the public service and in connection with such user erected thereon or on parts thereof divers buildings, erections, and works:

And whereas the President still continues to use the said land and the buildings, erections, and works thereon as an aerodrome for the public service:

And whereas the said land is required permanently by the President for the purposes of or in connection with an aerodrome for the public service. Now it is hereby agreed as follows:—

1. This Agreement is subject to the sanction of Parliament being obtained hereto as hereinafter mentioned so far as such sanction shall be necessary to enable the provisions hereof to be carried into effect, and the President may continue to use the said land and the buildings, erections, and works thereon as an aerodrome for the public service until the sanction of Parliament as aforesaid shall have been obtained hereto, and in the event of such sanction not being obtained within twelve months from the date hereof, or in the event of the President determining this Agreement, under the provisions of Clause 11 hereof the President shall deliver up vacant possession of the said land to the Corporation, and at his own cost shall restore it to its former state and condition to the satisfaction of the Corporation or pay the Corporation compensation in lieu thereof.

2. The Corporation shall, in consideration of the lands hereby agreed to be conveyed to them by the President, convey to the President the land described in the First Schedule hereto, and delineated in the plan annexed hereto and thereon edged blue (hereinafter sometimes referred to as "the aerodrome site") and the inheritance thereof in fee simple in possession free from incumbrances, subject nevertheless as is hereinafter mentioned.

3. The aerodrome site shall be conveyed to the President subject to the conditions and stipulations mentioned in the Second Schedule hereto (and the conveyance to the President shall contain covenants by him to perform and observe such conditions and stipulations), subject also to the rights (if any) of the local authority and the general public over the main

road to Caterham southwards from its junction with the southerly boundary of Ordnance Plot No. 287d. as shown on the said plan, subject also to such rights (if any) as are then enjoyed by the tenants of the manor of Coulsdon over the aerodrome site, subject also to all such (if any) rights of common or pasture over the aerodrome site as shall then be vested in the lord of the said manor of Coulsdon, and subject lastly to all such (if any) rights of sporting, hunting, and shooting over the aerodrome site as may then be vested in one Edmund Byron if then lord of the said manor.

4. The aerodrome site shall be used by the President for the purposes of an aerodrome for the public service or for purposes connected with an aerodrome for the public service and for no other purposes, and if at any time hereafter the aerodrome site shall cease to be used by the President as an aerodrome for the public service or for purposes connected with an aerodrome for the public service then and in that case the aerodrome site shall revert to the Corporation and their successors free of expense including all costs of such restoration as the Corporation may reasonably require in fee simple to be held by the Corporation and their successors for the purposes of a common or open space under the Corporation of London (Open Spaces) Act, 1878.

5. The title to the aerodrome site shall commence with the above-mentioned Indenture of Conveyance of the 5th day of February, 1883, and the President shall not require the production of or investigate or make any requisition or objection in respect of the prior title, whether the same shall appear to be in the Corporation's possession or power or not, and shall assume without further proof that the Corporation are seised in fee simple free from incumbrances.

6. The President shall, in consideration of the land hereby agreed to be conveyed by the Corporation to the President, convey to the Corporation the lands described in the Third Schedule hereto and delineated on the said plan annexed hereto and thereon edged red (hereinafter sometimes referred to as "the substituted lands") and the inheritance thereof in fee simple in possession free from incumbrances.

7. The substituted lands when vested in the Corporation shall be held by the Corporation for the purposes of a common or open space under the Corporation of London (Open Spaces) Act, 1878.

8. The President shall convey the substituted lands to the Corporation in his official capacity, and the Corporation shall, upon production to them of the Conveyance of the said substituted lands to the President, admit without investigation,

objection, requisition, or inquiry of any kind, the title of the President as the President of the Air Council to the fee simple of the substituted lands, and also his power to convey the same to the Corporation by way of exchange for the aerodrome site, and that everything has been done to enable him to convey the substituted lands to the Corporation, and no abstract of the President's title shall be given or required, and the conveyance shall contain the usual acknowledgment of the right of the Corporation to production of any document of title relating to the said substituted lands, and to delivery of copies thereof, and an undertaking for safe custody thereof.

9. The exchange hereby agreed to be made shall be completed at the office of the Treasury solicitor at Storey's Gate, in the city of Westminster, within six calendar months from the date of the sanction of Parliament being obtained as hereinafter mentioned, and up to the date of completion the President shall discharge all outgoings in connection with the substituted lands, such outgoings to be apportioned if necessary.

10. If the sanction of Parliament shall be obtained as hereinafter mentioned, and if the works and improvements hereinafter mentioned are carried out, the President shall pay to the Corporation the amount expended by the Corporation in carrying out upon the substituted lands, the works, and improvements mentioned in the Fourth Schedule hereto in order to adapt the substituted lands as an open space to be used for the recreation and enjoyment of the public, or the sum of 2,000*l.* whichever shall be the less.

11. The substituted lands not having yet been acquired by the President, it is stipulated that if before the 31st day of December, 1921, he shall fail to acquire the same by agreement with the owners thereof or fail to acquire such title thereto as he shall deem satisfactory, or to obtain the sanction of Parliament as hereinbefore mentioned, either party shall be at liberty by notice in writing delivered to the other of them to rescind this Agreement subject nevertheless as is herein provided.

12. The President after he shall have acquired or made arrangements for the acquisition of the substituted lands, shall, with all convenient speed and at his own expense in all respects, promote a Bill in Parliament with the concurrence or consent of all necessary persons willing to concur therein or consent thereto for the purpose of obtaining the sanction of Parliament to this Agreement, so far as such sanction shall be necessary to enable the provisions hereof to be carried into effect and for conferring on the Corporation and other parties (if any) the powers necessary to enable them to carry this Agreement into effect and in case such sanction and powers shall not be

obtained on or before the 31st day of December, 1922, or such later date as may be agreed on in writing between the parties hereto, this Agreement shall become void and of no effect.

13. The costs of the Corporation of and incidental to the negotiations for preparation and execution of this Agreement and of the carrying of the same into effect (including the costs of the conveyances of the aerodrome site and of the substituted lands), and the costs of the Corporation in connection with the said Bill in Parliament shall be paid by the President, such costs in case of dispute to be taxed in the usual way. The provisions of this clause shall not be affected by this agreement becoming void and of no effect, or being rescinded under any provision herein contained.

14. In this agreement and in the schedules hereto the expression "the President" shall include his successors and assigns where the context so admits.

In witness whereof the Corporation have caused their corporate seal to be hereunto affixed, and the President has hereto set his hand and seal the day and year first before written.

THE FIRST SCHEDULE.

All that piece of common or waste land situate in the parish of Coulsdon, in the county of Surrey, and being part of the waste land of the manor of Coulsdon, and of the common known as "Kenley Common," and containing in the whole 51 acres 0 roods 13 perches or thereabouts, which said piece of common or waste land is numbered Pt. 292 and Pt. 571 on the $\frac{1}{2500}$ Ordnance Survey Map (1913 Edition), and is delineated and edged blue on the plan annexed hereto.

THE SECOND SCHEDULE.

Conditions and Stipulations to be observed and performed by the President, and to be binding so far as the law permits on the aerodrome site.

1. No buildings, erections, or works, shall be erected on any part of the aerodrome site.

2. The aerodrome site shall not at any time hereafter (except as herein provided) be used by the President, his successors, or assigns, for any purpose, except for the purpose

of an aerodrome for the public service or for purposes connected therewith.

3. No civil aircraft shall be permitted to use the aerodrome site except in cases of emergency.

4. The President shall permit the general public, at their own risk, to have free admission on public holidays for the purposes of recreation and enjoyment to so much of the aerodrome site as shall not for the time being be used for buildings, erections, or works, subject to such regulations as the President with the approval of the Corporation may from time to time prescribe and in the event of the President being satisfied from experience that no danger results to the general public from such admission he shall permit the general public more frequent admission to the said portion of the aerodrome site at such times and in such manner and subject to such regulations as the President with the like approval may from time to time determine: Provided that the President shall not be liable for any accident of whatever nature which shall or may occur to any member of the general public in consequence of such admission as aforesaid.

5. The President shall at all times keep open to all traffic as at present the main road to Caterham so far as the same crosses the aerodrome site.

THE THIRD SCHEDULE.

All those pieces of land lying between Kenley Common and the village of Whyteleafe and situate partly in the parish of Coulsdon aforesaid, and partly in the parish of Caterham in the county of Surrey containing in the whole 61 acres 3 roods or thereabouts, which said pieces of land are shewn numbered Pt. 18, 18A, Pt. 239, Pt. 251, Pt. 252A, 253, 254, 255, 255A, 255B, 256, 256A, 289, Pt. 290, Pt. 291, and 291A, on the said Ordnance Survey Map (1913) Edition, and are delineated and edged pink on the said plan annexed hereto.

THE FOURTH SCHEDULE.

Works and Improvements to be executed by the Corporation on the substituted lands.

1. Thinning undergrowth, pruning, cleaning.
2. Making paths.
3. Laying whole of land down to grass.

4. Wooden stockade fence to be erected around the substituted lands.

5. A live fence to be erected within such wooden fence.

6. Drainage works.

7. Notice boards, by-laws, fixing same.

8. Seats and fixing same.

9. Keepers huts and fixing same.

Examined,
V. CROWTHER SMITH,
Comptroller.

Seal of the Corporation of the City of London.

SIGNED, SEALED, and DELIVERED by the above-named President of the Air Council in the presence of } FREDERICK GUEST. L.S

J. E. STEPHENSON,
Assistant Private Secretary,
Colonial Office.

[*Here follows the plan annexed to the agreement.*]

CHAPTER 41.

An Act to amend section thirty-four of the Representation of the People Act, 1918, as respects offences under that section committed by bodies of persons. [4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The following subsection shall be inserted at the end of section thirty-four of the Representation of the People Act, 1918 (which provides that any unauthorised person who incurs expenses for the purpose of promoting

Amendment of s. 34 of 7 & 8 Geo. 5. c. 64.

or procuring the election of any candidate at a parliamentary election shall be guilty of a corrupt practice):—

"(4) Where the person guilty of an offence against this section is a body of persons corporate or unincorporate, every director or officer of that body shall, unless he proves that the act constituting the offence was committed without his knowledge or consent, be guilty of the like offence."

Short title and application.

2.—(1) This Act may be cited as the Representation of the People (No. 2) Act, 1922, and shall be included among the Acts which may be cited as the Representation of the People Acts, 1918 to 1922.

(2) This Act shall not apply to any part of Ireland other than Northern Ireland, and in its application to Northern Ireland shall, for the purposes of sections six and fifteen of the Government of Ireland Act, 1920, be deemed to be an Act passed before the appointed day.

10 & 11 Geo. 5. c. 67.

CHAPTER 42.

An Act to provide for the payment of contributions by teachers towards the cost of benefits under the School Teachers (Superannuation) Act, 1918, and for matters incidental thereto, and to make provision as to the calculation of average salary for the purposes of the said Act.

[4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Contributions by teachers.

1.—(1) As from the first day of June, nineteen hundred and twenty-two, and until the first day of June, nineteen hundred and twenty-four, there shall be paid by or in respect of every teacher who was on the first day of June, nineteen hundred and twenty-two, or is at any time thereafter employed in recognised service and who was not

or is not disqualified for the receipt of benefits under the School Teachers (Superannuation) Act, 1918 (in this Act referred to as "the principal Act"), by virtue of section four of that Act, by way of contribution towards the cost of providing benefits under the principal Act an amount equal to five per cent. of the amount of his salary for the time being, or, in the case of a teacher who is, by reason of sickness, receiving less than full salary, the amount which he is actually receiving by way of salary for the time being, provided that the contribution shall not exceed the amount, if any, by which the salary of the teacher exceeds four-fifths of the full salary which the Board would be prepared in his case to recognise for the purposes of grant. 8 & 9 Geo. 5. c. 55.

(2) The Board of Education (in this Act referred to as "the Board") may, with the consent of the Treasury, make rules prescribing the manner in which contributions under this section are to be collected, and those rules may provide for the deduction of the amount of the contribution from the salary of a teacher by or in respect of whom a contribution is payable, and for the collection of contributions by means of deductions made from time to time from any grants payable out of moneys provided by Parliament which may be applied directly or indirectly to the payment of the salaries of teachers, and for authorising the provisional collection of contributions from or in respect of teachers whose liability to contribute is for the time being in doubt and for requiring contributions provisionally collected but not in fact payable to be repaid.

(3) Any period of service in respect of which a payment of the contribution required under this section has not been made by or in respect of any teacher shall be treated as not being a period of recognised service.

(4) All sums payable by way of contributions under this section shall, so far as not recovered by means of deductions from grants, be paid to and recoverable by the Board, and all sums received by the Board under this section shall, except in so far as they are authorised to be applied as an appropriation in aid of the moneys provided by Parliament for the expenses of the Board, be paid into the Exchequer.

Exemption from liability to contribute, and repayment of contributions, in certain cases.

2.—(1) If any teacher satisfies the Board that it is impossible for him by reason of his age to complete before attaining the age of sixty-five years such number of years of recognised or qualifying service as are necessary under paragraph (*a*) of subsection (1) of section one of the principal Act to qualify him at that age for an annual superannuation allowance under that Act, or that he is not a British subject, he shall, as from the date on which he so satisfies the Board, cease to be a person by or in respect of whom contributions are payable under this Act, and any person who so satisfies the Board shall thereupon become disqualified for the receipt of any benefits whatsoever under the principal Act, and be entitled to repayment of a sum equal to the aggregate amount of any such contributions previously paid by or in respect of him after deducting any sums previously received by him by way of benefit under the principal Act.

(2) If any teacher, being a woman, ceases to be employed as a teacher on or within one year after marriage and immediately on so ceasing satisfies the Board that she does not intend to become again employed as a teacher, or if any teacher when he attains the age of sixty-five years is not qualified for a superannuation allowance, that teacher shall be entitled to repayment of a sum equal to the aggregate amount of any contributions paid by or in respect of him after deducting any sums previously received by him by way of benefit under the principal Act.

(3) Where any teacher has been repaid contributions under this section, he shall cease to be qualified to receive any benefits whatsoever under the principal Act or to be liable to pay contributions.

(4) Where a teacher dies without having received any benefits under the principal Act, and without having received repayment of contributions under this Act, his legal personal representatives shall, if a death gratuity is not payable to them under the principal Act, be entitled to the payment of a sum equal to the aggregate amount of any contributions paid by or in respect of the teacher under this Act.

Saving.

3. If any teacher who, immediately before he became subject to the principal Act, was subject to the

provisions of the Elementary School Teachers (Superannuation) Act, 1898, or the Elementary School Teachers (Superannuation) Act, 1912, or any pension scheme, and who in consequence of the principal Act ceased to be subject to those provisions, proves to the satisfaction of the Board that he is in a worse position by reason of the foregoing sections of this Act than that in which he would have been under the said provisions or the pension scheme, as the case may be, the Board shall, at such time and in such manner as shall seem just to them, award to him such compensation as shall in their opinion be sufficient to compensate him for the difference in his position. 61 & 62 Vict. c. 57. 2 & 3 Geo. 5. c. 12.

The Board shall, for the purposes of this section, act on a report from the Government Actuary who shall before making such report be required to consider any representations made by or on behalf of the teacher concerned, and a copy of such report shall be communicated to the teacher if he so desires.

Calculation of salary.

4. In determining the amount of the salary of a teacher for the purposes of this Act, the salary shall, unless the Board otherwise direct, be treated as not including fees or other emoluments received by that teacher, and shall also, if the Board so direct, be treated as being reduced by such part thereof as in their opinion is in excess of the amount which is proper, or would, if the teacher were employed in a grant-aided school, be proper, to be recognised for the purposes of grant, and, where the amount of the salary of a teacher in any year has been determined for the purposes of this Act, that amount shall be taken to be the amount of his salary in that year for the purpose of the calculation of average salary under the principal Act.

Short title.

5. This Act may be cited as the School Teachers (Superannuation) Act, 1922, and the principal Act and this Act may be cited together as the School Teachers (Superannuation) Acts, 1918 and 1922.

CHAPTER 43.

An Act to confirm an agreement made between the Pneumatic Despatch Company, Limited, and the Postmaster-General for the acquisition by the Postmaster-General of a certain tube running between St. Martin's-le-Grand in the City of London and Eversholt Street, in the Metropolitan Borough of St. Pancras, and for purposes connected therewith. [4th August 1922.]

22 & 23 Vict. c. cxxxvii. 27 & 28 Vict. c. cxxx. 35 & 36 Vict. c. clxxx.

WHEREAS by the Pneumatic Despatch Company's (Limited) Act, 1859, the Pneumatic Despatch Company's (Limited) Act, 1864, and the Pneumatic Despatch Company (Limited) Act, 1872, powers were conferred upon the Pneumatic Despatch Company, Limited (hereinafter referred to as "the Company"), to lay tubes, pipes, and other apparatus, and to maintain the same in and under any street in the Metropolis:

And whereas, under the powers conferred upon them by the aforesaid Acts, a tube was laid by the Company running from the junction of Newgate Street, St. Martin's-le-Grand, and Cheapside, in the City of London, westward beneath Newgate Street, Holborn Viaduct, Holborn, High Holborn, Broad Street, and High Street Bloomsbury, and thence northward beneath Tottenham Court Road, Hampstead Road, Drummond Street, and Seymour Street to a point near the North Western District Post Office in Eversholt Street in the Metropolitan Borough of St. Pancras:

And whereas under an agreement dated the thirtieth day of December, nineteen hundred and twenty-one, and made between the Company and the Postmaster-General (which agreement is set out in the First Schedule to this Act), the Postmaster-General agreed to purchase the portions of the said tube which are still subsisting (which portions are in this Act referred to as "the tube"):

And whereas it is desirable to confirm the said agreement and to make such provision as is necessary for enabling the said agreement to be carried into effect:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Confirmation of agreement and vesting of tube.

1. The said agreement is hereby confirmed and made binding and shall be carried into effect accordingly, and the tube and the subterranean space bounded by the outer part of the tube and all such rights and powers of the Company in relation thereto as the Postmaster-General may require in accordance with the terms of the said agreement shall, on the payment of the balance of the purchase money, by virtue of this Act, vest in the Postmaster-General.

Application of Telegraph Acts.

2. Any rights or powers vested in or exerciseable by the Postmaster-General under the provisions of the Telegraph Acts, 1863 to 1921, in respect of works of any kind whatsoever constructed under those Acts shall extend to and may be exercised by the Postmaster-General in respect of the tube vested in him under this Act.

Payment of expenses.

3. Any expenditure incurred by the Postmaster-General under this Act or under the said agreement shall be paid out of moneys provided by Parliament.

Short title and repeal.

4.—(1) This Act may be cited as the Post Office (Pneumatic Tubes Acquisition) Act, 1922.

(2) The enactments set out in the Second Schedule to this Act are, so far as they relate to the tube, hereby repealed to the extent specified in the third column of that schedule.

SCHEDULES.

FIRST SCHEDULE.

Preamble.

AN AGREEMENT made the thirtieth day of December, one thousand nine hundred and twenty-one BETWEEN THE PNEUMATIC DESPATCH COMPANY LIMITED whose registered office is at 11 Ironmonger Lane in the City of London (hereinafter called "the Company") of the one part and THE RIGHT HONOURABLE FREDERICK GEORGE KELLAWAY M.P. His Majesty's Postmaster-General (hereinafter called "the Postmaster-General") on behalf of His Majesty of the other part.

WHEREAS the Company was incorporated many years ago under the then Joint Stock Companies Act, 1856 with the object of

establishing in London and other parts of the United Kingdom improved means for the cheap rapid and punctual conveyance and delivery of despatches messages and parcels by means of tubes and pipes:

And whereas the Company obtained certain special Acts of Parliament shortly intituled the Pneumatic Despatch Company's (Limited) Act, 1859 the Pneumatic Despatch Company's (Limited) Act, 1864 and the Pneumatic Despatch Company (Limited) Act, 1872 (hereinafter shortly and collectively called "the special Acts") whereby powers were conferred upon the Company to lay tubes pipes and other apparatus and to maintain the same in and under any street in the Metropolis and for those purposes to open and break up any such street and whereby certain other privileges and rights were conferred upon the Company subject to terms and conditions in the special Acts set forth:

And whereas the Company many years ago laid or caused to be laid and are still the owners of a subterranean tube with certain fittings therein the internal dimensions of which are approximately four feet five inches to five feet in width and four feet in height the eastern terminus of which lies at or near to the junction of Newgate Street St. Martin's-le-Grand and Cheapside in the City of London and which tube thence runs westward beneath Newgate Street Holborn Viaduct Holborn High Holborn Broad Street and High Street Bloomsbury and thence northward beneath the Tottenham Court Road Hampstead Road Drummond Street Seymour Street and to a point in Eversholt Street near the North-Western District Post Office the position of which said tube in its existing state is delineated on the plan hereto annexed and thereon indicated approximately by red lines:

And whereas the Company has not for many years past worked the tube and the same is not now in working order and divers persons companies and local authorities have without the leave and license of the Company made breaches from time to time in the tube as originally constructed some of which breaches are indicated by breaks in the red lines on the said plan and have placed tunnels sewers drains and other things in such breaches and have placed electric lines and other things in parts of the tube:

And whereas negotiations have taken place between the Company and the Postmaster-General for the acquisition by the Postmaster-General of the portions of the tube which are still subsisting (approximately indicated by the said red lines on the said plan) which said portions in their existing condition are hereinafter referred to as "the tube":

And whereas such negotiations have resulted in the Agreement hereinafter set forth. Now this Agreement witnesseth that it is hereby mutually agreed between the Company and the Postmaster-General as follows :—

1. The Company will (subject to clause 5 hereof) sell free from incumbrances created by it and the Postmaster-General will purchase at the price of seven thousand five hundred pounds all the estate right title and interest whatsoever of the Company in the tube and in the subterranean space bounded by the outer part of the tube and all such powers rights and authorities in relation to the working and utilization maintenance repair and renewal of the tube whether statutory or otherwise as the Company shall with the assistance of the Act of Parliament hereby contemplated (hereinafter called " the proposed Act ") be able and shall be required by the Postmaster-General to grant or convey or assign to the Postmaster-General but the sale shall not include any rights which the Company may have in respect of portions of the tube which existed as originally constructed at the places indicated by the breaks in the said red lines on the said plan nor any claims for injurious affection to the tube in respect of breakages at such places.

2. The Postmaster-General having this day paid to the Company the sum of two hundred and fifty pounds (as the Company hereby acknowledges) the Postmaster-General shall have full liberty right and authority to take possession of the tube forthwith and to amend repair and use the same as he may think fit pending completion of the purchase but the Company does not guarantee vacant possession :

Provided always that as from the date at which the Postmaster-General takes possession of the tube as aforesaid the same shall stand at his risk in all things and the expense of complying with any notices served by the local sanitary or other authority shall be borne by him and he hereby agrees to indemnify the Company from and against all actions proceedings costs damages expenses claims and demands in relation to the possession amendment repair or user of the tube as aforesaid and from and against any rates and taxes that may be assessed or imposed on the tube or on the Company in respect thereof having regard to the fact that the tube is being used for the public service.

If the proposed Act shall receive the Royal Assent before the end of one thousand nine hundred and twenty-two the said sum of two hundred and fifty pounds shall be treated by the Company as a payment on account of the said purchase money

payable by the Postmaster-General and the Company shall be entitled to any interest that may accrue on the said sum in the meantime but if the proposed Act shall not receive the Royal Assent before the end of one thousand nine hundred and twenty-two the Company shall retain for their own benefit the said sum of two hundred and fifty pounds and any interest accrued thereon, and such sums shall be regarded as covering the Company's claim in respect of the interim use of the tube by the Postmaster-General including any unavoidable damage which may occur in the course of installing or removing the Post Office cables and the Postmaster-General shall forthwith (unless otherwise agreed) withdraw from possession of the tube and remove any apparatus placed by him therein and make good to the satisfaction of the Company any damage (other than unavoidable damage) done by him to the tube.

3. The purchase shall be completed and the balance of the said purchase money of seven thousand five hundred pounds paid within one calendar month after the proposed Act shall have received the Royal Assent and if the purchase shall not be completed within that period by reason of anything other than the Company's wilful default then after the expiration of such calendar month the Postmaster-General will pay interest on the balance of the said purchase money for the time being remaining owing after the rate of five pounds per centum per annum.

4. The tube having as aforesaid been broken into and things having been placed therein as aforesaid it is sold to the Postmaster-General in its existing state and subject to any obstructions existing therein and to all rights (if any) of the persons companies or local authorities making such breaches or placing such things as aforesaid and so long as the Company remain liable thereto but for no longer period subject to any obligations liabilities or claims which may be established by any public authorities or public utility companies whether arising from its present condition or under the provisions of the Special Acts relating to its construction maintenance user or otherwise. If any conveyance is required the Company shall not be required to give any covenant for title.

5. The Company shall not be called upon to prove its title or to furnish any abstract of its title but it will if so required and at the expense of the Postmaster-General furnish on or before the completion of the purchase a statutory declaration to be made by a director or other official of the Company that to the best of his knowledge information and belief there are

no debentures mortgages or other incumbrances affecting the tube and no agreements or deeds now in force relating to its user or granting any rights over or in respect of it to any other company or person and that an Agreement dated the third day of August one thousand eight hundred and ninety-nine made between the Company and the London Despatch Company Limited for the working of the tube by the latter company was cancelled under clause 10 of that Agreement and that the said latter company went into liquidation and was dissolved many years ago.

6. The Postmaster-General will forthwith promote and use his best endeavours to carry through a Bill in Parliament for obtaining an Act confirming this Agreement either with or without such modifications as may be agreed upon between the parties hereto and for vesting in the Postmaster-General the tube and subject to the provisions of this Agreement such rights and powers of the Company in relation thereto as the Postmaster-General may require and for empowering the Company to carry this Agreement into effect and if such Act shall not receive the Royal Assent before the end of one thousand nine hundred and twenty-two then this Agreement shall become ipso facto void and of non effect except as to the obligations of the Postmaster-General under clauses 2 and 7:

Provided always that neither anything herein contained nor the rejection of such Bill shall in anywise prejudice or affect the rights (if any) of the Postmaster-General to use the tube under the Telegraph Acts 1863 to 1921 for such consideration as may be determined under those Acts.

7. The Company shall at the expense of the Postmaster-General supply such information give such evidence and render such assistance in support of the application for the proposed Act as may be in its power and as may be required by the Postmaster-General. It will further take all necessary steps to pass any necessary resolutions of the Company's members.

8. The Company will as soon as reasonably possible after the Royal Assent to the proposed Act has been signified take all necessary steps for liquidating its affairs and effecting its dissolution.

9. This Agreement is made subject to such alterations as Parliament may think fit to make therein but in the event of either House of Parliament making any material alteration therein it shall be competent for either party to withdraw from the Agreement except as to clauses 2 and 7 hereof.

In witness whereof the Company has caused its common seal to be hereunto affixed and the Postmaster-General has hereunto set his hand the day and year first before written.

The common seal of the Pneumatic Despatch Company Limited was hereunto affixed in the presence of

L.S.

PERCY MORTIMER, MALCOLM R. AIRD, } Directors.
WM. B. PEAT, Secretary.

Signed by Sir George Evelyn Pemberton Murray K.C.B. the Secretary to the Post Office for and in the name and as the act of His Majesty's Postmaster-General by virtue of the power in that behalf conferred by the Post Office Act 1908 in the presence of

F. G. KELLAWAY
by
G. E. P. MURRAY.

T. M. BANKS,
General Post Office, E.C.,
Private Secretary.

Section 4.

SECOND SCHEDULE.

Session and Chapter.	Short Title.	Extent of Repeal.
22 & 23 Vict. c. cxxxvii.	The Pneumatic Despatch Company's (Limited) Act, 1859.	The whole Act.
27 & 28 Vict. c. cxxx.	The Pneumatic Despatch Company's (Limited) Act, 1864.	The whole Act.
35 & 36 Vict. c. clxxx.	The Pneumatic Despatch Company (Limited) Act, 1872.	The whole Act.

CHAPTER 44.

An Act to amend the British Nationality and Status of Aliens Acts, 1914 and 1918, as respects the acquisition of British nationality by persons born out of His Majesty's Dominions.

[4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of definition of natural-born British subject.

1. Section one of the principal Act (which contains the definition of a natural-born British subject) shall be amended as follows:—

(1) The following paragraph shall be substituted for paragraph (*b*) of subsection (1):—

"(*b*) Any person born out of His Majesty's dominions whose father was, at the time of that person's birth, a British subject, and who fulfils any of the following conditions, that is to say, if either—

"(i) his father was born within His Majesty's allegiance; or

"(ii) his father was a person to whom a certificate of naturalization had been granted; or

"(iii) his father had become a British subject by reason of any annexation of territory; or

"(iv) his father was at the time of that person's birth in the service of the Crown; or

"(v) his birth was registered at a British consulate within one year or in special circumstances, with the consent of the Secretary of State, two years after its occurrence, or, in the case of a person born on or after the first day of January, nineteen hundred and fifteen, who would have been a British subject if born before that date, within twelve months after the first day of August, nineteen hundred and twenty-two; and"

(2) The following shall be inserted at the end of subsection (1):

"Provided also that any person whose British nationality is conditional upon registration at a British consulate shall cease to be a British subject unless within one year after he attains the age of twenty-one, or within such extended period as may be authorised in special cases by regulations made under this Act—

"(i) he asserts his British nationality by a declaration of retention of British nationality, registered in such manner as may be prescribed by regulations made under this Act; and

"(ii) if he is a subject or citizen of a foreign country under the law of which he can, at the time of asserting his British nationality, divest himself of the nationality of that foreign country by making a declaration of alienage or otherwise, he divests himself of such nationality accordingly."

Consequential amendment.

2. At the end of subsection (1) of section twenty-seven of the principal Act, the following words shall be inserted:—

"The expression 'British Consulate' means the office of any British consular officer where a register of births is kept, and includes, in the case of any territory where there is no British Consulate and there is a British resident or other representative of His Majesty, the office of such resident or representative."

Interpretation, short title, and printing.

4 & 5 Geo. 5. c. 17.

8 & 9 Geo. 5. c. 38.

3.—(1) In this Act the expression "the principal Act" means the British Nationality and Status of Aliens Act, 1914, as amended by the British Nationality and Status of Aliens Act, 1918.

(2) This Act may be cited as the British Nationality and Status of Aliens Act, 1922, and the principal Act, the British Nationality and Status of Aliens Act, 1918, and this Act may be cited together as the British Nationality and Status of Aliens Acts, 1914 to 1922.

(3) Every enactment and word which is directed by this Act, to be substituted for or added to any portion of

the principal Act, shall form part of the principal Act in the place assigned to it by this Act; and the principal Act, and all Acts, including this Act, which refer thereto shall, after the commencement of this Act, be construed as if the said enactment or word had been enacted in the principal Act, in the place so assigned, and where it is substituted for another enactment or word, had been enacted in lieu of that enactment or word.

A copy of the principal Act, with the amendments, whether by way of substitution, addition or omission, required by this Act, shall be prepared and certified by the Clerk of the Parliaments and deposited with the Rolls of Parliament, and His Majesty's printer shall print, in accordance with the copy so certified, all copies of the principal Act, which are printed after the commencement of this Act.

(4) A reference in any enactment (whether passed before or after the passing of this Act), or in any document to the British Nationality and Status of Aliens Act, 1914, shall, unless the context otherwise requires, be construed to refer to that Act as amended by any enactment for the time being in force.

CHAPTER 45.

An Act to provide for raising further Money for the purpose of the Telegraph Acts, 1863 to 1921. [4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Grant for purposes of Telegraph Acts.

1.—(1) The Treasury may, with a view to the development of the telephonic system in Great Britain and Northern Ireland, without prejudice to the exercise of any powers previously given for the like purpose, issue out of the Consolidated Fund, or the growing produce thereof, such sums not exceeding in the whole the sum of

fifteen million pounds as may be required by the Postmaster-General for the purpose of developing the telephonic system according to estimates approved by the Treasury.

(2) The Treasury may, if they think fit, for the purpose of providing money for sums so authorised to be issued out of the Consolidated Fund, or for repaying to that fund all or any part of the sums so issued, borrow by means of terminable annuities for a term not exceeding twenty years, and all sums so borrowed shall be paid into the Exchequer.

(3) The said annuities shall be paid out of moneys provided by Parliament for the service of the Post Office, and if those moneys are insufficient shall be charged on and paid out of the Consolidated Fund, or the growing produce thereof.

(4) The Treasury may also, if they think fit, for the same purpose borrow money by means of the issue of Exchequer bonds, and the Capital Expenditure (Money) Act, 1904, shall have effect as if this Act had been in force at the time of the passing of that Act.

4 Edw. 7. c. 21.

(5) Section five of the Telephone Transfer Act, 1911 (which relates to audit), shall have effect as if this Act were included amongst the Acts therein mentioned.

1 & 2 Geo. 5. c. 26.

Short title.

2. This Act may be cited as the Telegraph (Money) Act, 1922, and may be cited with the Telegraph Acts, 1863 to 1921.

CHAPTER 46.

An Act to amend the law with respect to the supply of electricity. [4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Power of authorities to borrow.

1.—(1) For the purposes hereinafter mentioned, a joint electricity authority may, with the consent of the Electricity Commissioners, and subject to regulations to

be made by the Minister of Transport with the approval of the Treasury, borrow money, in such manner and subject to such provisions as to the repayment thereof, and with such powers as to reborrowing for the purpose of paying off a loan previously raised, as may be prescribed by the regulations, and such regulations may empower a joint electricity authority to borrow temporarily, to issue bonds and to make arrangements with bankers, and may apply with or without modifications any enactments relating to borrowing by local authorities, including provisions as to the enforcement of the security by the appointment of a receiver or otherwise.

(2) Such powers of borrowing as aforesaid may be exercised for all or any of the following purposes:—

(*a*) for the purpose of the payment of the purchase price of any generating station or main transmission line transferred to, acquired by, or vested in a joint electricity authority under the Electricity (Supply) Act, 1919 (hereinafter referred to as "the principal Act"), or of any undertaking or part of an undertaking acquired by the authority under the principal Act; 9 & 10 Geo. 5. c. 100.

(*b*) for the purpose of any other payment or of any permanent work or other thing which the authority are authorised to execute or do, the cost of which ought, in the opinion of the Electricity Commissioners, to be spread over a term of years (including the payment of interest on money borrowed for capital expenditure whilst the expenditure remains unremunerative, but in no case for a period of more than five years from the commencement of the financial year next after that in which such expenditure commences to be incurred, and the payment of any sum payable under subsection (3) of section eighteen of the principal Act);

(*c*) for the purpose of providing working capital.

(3) Any money borrowed under this section, and the interest thereon, may be charged on the undertaking and all the revenues of the joint electricity authority, or on any specific property forming part of that undertaking, and shall be repaid within such period not exceeding sixty years as the Electricity Commissioners may determine.

(4) A scheme constituting a joint electricity authority shall fix with reference to the estimated capital expenditure of the authority the maximum amount which may be borrowed by the authority, and the authority shall not have power to borrow any sums in excess of the amount so fixed, otherwise than for the purpose of paying off loans previously raised, unless authorised by an order of the Electricity Commissioners confirmed by the Minister and such order shall be provisional only and shall not come into force unless confirmed by Parliament.

Sinking fund for new works.

2. Notwithstanding anything to the contrary contained in any Act, whether public general or local and personal, it shall be lawful for the annual provision required to be made by a joint electricity authority or by a local authority for the repayment of money borrowed after the passing of this Act for any of the purposes of the Electricity Supply Acts, 1882 to 1919, or of this Act, to be suspended whilst the expenditure out of such moneys remains unremunerative, for such period and subject to such conditions as the Electricity Commissioners or other authority by whom the borrowing is sanctioned may determine:

Provided that such suspension shall not be for a longer period than five years from the commencement of the financial year next after that in which such expenditure commences to be incurred.

Power to authorise issue of stock.

3.—(1) The Electricity Commissioners may, for the purpose of enabling a joint electricity authority to raise money which they are authorised to borrow under this Act, authorise the authority to issue stock bearing interest at such rate as the authority with the consent of the Electricity Commissioners may determine.

(2) All such stock, and interest thereon, shall be charged on the undertaking and all the revenues of the joint electricity authority.

(3) Subject to the provisions of this Act, any stock created by a joint electricity authority under the powers of this Act shall be issued, transferred, dealt with, and redeemed according to regulations made by the Electricity Commissioners, and any such regulations may apply for the purpose of this section, with or without modifications, any provisions of the Local Loans Act, 1875, the Public

38 & 39 Vict. c. 83.

Health Acts Amendment Act, 1890, and the Acts amending those Acts, and of any Act relating to stock issued by any local authority. 53 & 54 Vict. c. 59.

Power to discharge purchase price by issue of stock, &c.

4. A joint electricity authority may, with the consent of the authorised undertakers concerned, discharge the whole or any part of the purchase price payable under the principal Act or this Act (otherwise than by way of annuity) to any authorised undertakers in respect of any undertaking or part thereof, or any generating station or main transmission line transferred to or acquired by the authority under the principal Act, by the issue to, or the creation in favour of, the undertakers of such amount of stock or other securities as may be agreed upon, or determined in manner hereinafter provided, to be equivalent in value to the whole or part of the purchase price in respect of which the stock or other securities are issued or created, and if any difference arises as to the amount of stock or other securities which is so equivalent in value the difference shall be determined by an independent financial expert agreed between the parties or, in default of agreement, appointed by the Treasury.

Power of undertakers, &c. to give financial assistance.

5.—(1) Any authorised undertakers whose area of supply is wholly or partly within the district of any joint electricity authority, and any local authority, company, or person receiving or intending to receive a supply of electricity from the joint electricity authority, and the council of any county or any borough or county district having a population according to the last published census returns for the time being of not less than fifty thousand wholly or partly within the district of the joint electricity authority, shall have power—

(*a*) to lend any money to the joint electricity authority which the authority is authorised to borrow; or

(*b*) to subscribe for any securities issued by the joint electricity authority for the purpose of raising such money; or

(*c*) to guarantee or join in guaranteeing the payment of interest on any money borrowed by the joint electricity authority or on any securities issued by that authority;

on such terms (including the payment of consideration for the assistance given) and subject to such conditions,

as the authority, company, or person giving such financial assistance may think fit:

Provided that, in the case of the council of a county or borough or county district, whether or not the council are authorised undertakers, or receive or intend to receive a supply of electricity from the joint electricity authority, such powers as aforesaid shall not be exercised (except in the case of the London County Council) without the consent of the Minister of Health:

Provided also that nothing in this section shall authorise the raising of any money or the giving of any guarantee by any such council as aforesaid which would involve the council in an annual liability exceeding—

(*a*) in cases where the council are not authorised undertakers, the amount which would be produced by a rate of one penny in the pound; such amount to be estimated for the purposes of this section in such manner as may be determined by the Minister of Health; or

(*b*) in cases where the council are authorised undertakers, the estimated annual amount of any capital charges from which the council will be relieved by reason of taking a supply in bulk from the joint electricity authority; such estimated amount to be determined by the Electricity Commissioners, whose decision shall be final.

(2) The raising of money for the purpose of so lending or subscribing for securities shall be a purpose for which a council, being authorised undertakers, may borrow under the Electricity (Supply) Acts, 1882 to 1919, and for which a council, not being authorised undertakers, may borrow—

(*a*) in the case of a council of a county, under the Local Government Act, 1888; 51 & 52 Vict. c. 41.

(*b*) in the case of the council of a metropolitan borough, under the Metropolis Management Acts, 1855 to 1893; and

(*c*) in the case of the council of a municipal borough or county district, under the Public Health Act, 1875; 38 & 39 Vict. c. 55.

and any money payable by such council under any such guarantee, shall be treated as expenses in the carrying

of the said Acts into execution respectively, and in the case of a council of a county shall, if the Minister of Health so directs, be treated as expenses for special county purposes charged on the part of the county within the district of the joint electricity authority,

Section twenty-one of the Electric Lighting Act, 1909, shall apply to money borrowed by a council under this section as it applies to money borrowed by a local authority under the Electric Lighting Acts, and accordingly money so borrowed under this section shall not be reckoned as part of the total debt of the council for the purpose of any limitation on borrowing under the enactments relating to borrowing by the council. 9 Edw. 7. c. 34.

(3) Any company, association, or body of persons may exercise any such power as aforesaid, notwithstanding anything contained in any Act, order, or instrument by or under which it is constituted or regulated, and may apply any of their funds for the purpose of lending any such money, subscribing for any such securities, or fulfilling any such guarantee, and may borrow for the purpose of making any such loans or subscriptions.

(4) A scheme under the principal Act constituting a joint electricity authority or other body for the improvement of the organisation of the supply of electricity in any electricity district may include provisions authorising or requiring authorised undertakers, and authorising companies and other bodies represented, on the authority or body to contribute towards any administrative expenses of the authority or body.

(5) Any authorised undertakers may exercise such powers as aforesaid, notwithstanding anything in section three of the schedule to the Electric Lighting (Clauses) Act, 1899, as incorporated in any order or special Act applying to them or any similar provisions contained in any such order or special Act. 62 & 63 Vict. c. 19.

(6) This section shall apply in the case of the City of London as if the City of London were a county and the common council of the city the council thereof, and as if the raising of money for the purpose of lending or subscribing to securities under this section were a purpose for which the common council may borrow under and in accordance with the City of London Sewers Acts, 1848 to 1897.

Power of authorised undertakers to lease undertaking to joint electricity authority.

6. Any authorised undertakers may lease to a joint electricity authority and a joint electricity authority may take a lease from any authorised undertakers of the whole or any part of their undertaking.

Any such lease shall be subject to the approval of the Electricity Commissioners, and, subject thereto, may be, with or without the option of purchase by the authority of the undertaking or any part thereof, leased thereby and may be made to and taken by the authority for such period on such terms and conditions including the vesting in the authority of any rights, powers, and obligations of the transferring undertakers under any contract or agreement entered into by such undertakers and relating to the supply of electricity as may be agreed upon between the authority and the transferring undertakers.

Expenses of Electricity Commissioners.

7.—(1) The period of two years mentioned in section twenty-nine of the principal Act shall be deemed to have extended to the thirty-first day of March, nineteen hundred and twenty-two, and the advances made to the Commissioners under that section shall be repaid, with interest as therein provided, by instalments before the thirty-first day of March, nineteen hundred and twenty-five, so that not more than two-thirds thereof shall be outstanding on the thirty-first day of March, nineteen hundred and twenty-three, and not more than one-third thereof shall be outstanding on the thirty-first day of March, nineteen hundred and twenty-four.

(2) The Electricity Commissioners may, during the financial year current at the passing of this Act, make the apportionment among and demand upon the joint electricity authorities and authorised undertakers provided for by the said section, and such apportionment shall be made in accordance with the number of units of electricity generated by each joint electricity authority or authorised undertaker within Great Britain in the year ending the thirty-first day of December, nineteen hundred and twenty-one; and in any case where an authorised undertaker obtained a supply from any source other than the joint electricity authority or an authorised undertaker the number of units of electricity so obtained by such authorised undertaker shall be deemed to have been generated by that authorised undertaker. Any apportionment under the said section twenty-nine subsequent to the financial

year current at the passing of this Act shall (notwithstanding anything to the contrary in the principal Act) be made in accordance with the number of units of electricity sold by each joint electricity authority or authorised undertaker within Great Britain in the year ending the thirty-first day of December next preceding that for which the apportionment is made. The expression "units of electricity sold" means all units generated or purchased by a joint electricity authority or authorised undertaker less (*a*) those used in the generating station, (*b*) those lost in transmission or distribution, and (*c*) those sold in bulk to authorised undertakers.

(3) Every such joint electricity authority and authorised undertaker shall furnish to the Electricity Commissioners not later than the first day of March in each year a statement of the number of units so sold by them, and in the event of any such authority or undertaker failing to supply such particulars on or before that date the Electricity Commissioners may proceed with the apportionment, and for that purpose may make any necessary estimates.

(4) The apportionment when made shall be conclusive for all purposes:

Provided that, if it subsequently appears to the Electricity Commissioners that for any reason the apportionment for any year ought to be revised, they may revise the apportionment, and when determining the apportionment in any subsequent year make such adjustments as may be necessary to give effect to such revision.

(5) If any joint electricity authority or authorised undertaker fail to pay to the Electricity Commissioners the sum apportioned to them within two months after receiving the demand therefor, interest at the rate of six per centum per annum shall be payable on the amount demanded from the date of demand to the date of payment.

(6) The Electricity Commissioners may, in estimating their expenditure for the purposes of subsection (1) of section twenty-nine of the principal Act, include a reasonable sum in order to provide a working balance for the year.

(7) Any sums due from any joint electricity authority or authorised undertaker under section twenty-nine of the

principal Act, as amended by this section, shall be recoverable by the Electricity Commissioners summarily as a civil debt.

Method of payment of purchase price payable to local authorities.

8. The consideration payable to a local authority in respect of the transfer of the whole or any part of their undertaking, either in pursuance of a scheme constituting a joint electricity authority or in pursuance of section thirteen of the principal Act, may, in the option of the local authority, be either one or more terminable annuities, or a capital sum, or any other form of payment approved by the Electricity Commissioners.

Use of main transmission lines by agreement.

9. A joint electricity authority may, by agreement with any authorised undertakers or other persons, use, subject in the case of authorised undertakers to the Acts and Orders relating to the undertaking, any main transmission line of those undertakers or persons for such time and upon such terms as may be agreed.

Disposal of stations and works not required.

10. A joint electricity authority may, with the consent of the Electricity Commissioners, dispose of any generating station, land, or other works or property which may appear to them to be no longer required for the purposes of their undertaking, subject, as respects any land which is subject to any right of pre-emption, to that right:

Provided that, where the generating station contains plant which is the property of the former owners of the generating station, the Electricity Commissioners shall, as a condition of granting their consent to the disposal of the generating station, require such provision to be made by the joint electricity authority as the Electricity Commissioners consider necessary to safeguard the rights of such former owners.

Power to continue wayleaves.

11. Where any joint electricity authority or authorised undertakers have under any terminable agreement or arrangement, whether made before or after the passing of this Act, placed above or below ground any electric line which could have been so placed under the provisions of section twenty-two of the principal Act, the joint electricity authority or authorised undertakers may, notwithstanding the termination of such agreement or arrangement, retain the line in position, on the same terms and subject to the same conditions as were previously applicable thereto, unless and until objection is made by

the owner or occupier of any land over or under which it is placed, but, in the event of any such objection being made, the line shall only be retained if the provisions of section twenty-two of the principal Act regulating the placing of a new line are complied with, and subject to the provisions of that section applicable to lines placed across land in pursuance of that section:

Provided that the joint electricity authority or authorised undertakers may, at any time whilst a line is so retained, apply to the Minister of Transport for a revision of the said terms and conditions, in which event the provisions of section twenty-two of the principal Act shall apply as if the retention of the line in position were the placing of an electric line across land, and the authority or undertakers shall not be required to remove the line pending the decision upon such application.

Power to make agreements as to working of generating stations.

12. Where a generating station or main transmission line becomes transferred to or is acquired by a joint electricity authority under the principal Act, the authority may, subject to the approval of the Electricity Commissioners, agree with the former owner thereof that such owner shall work and maintain the same on behalf of the authority for such period and on such terms as may be agreed between them.

Conditions under which restriction on generating stations and obligation to take supply from are not to apply.

13. The Electricity Commissioners shall not—

(*a*) refuse, under section eleven of the principal Act, their consent to the establishment of a new, or the extension of an existing, generating station by any authorised undertakers if it is proved to the satisfaction of the Electricity Commissioners that, having regard to all the circumstances of the case, the undertakers are or will, if the consent be given, be in a position to give a supply of electricity adequate in quantity and regularity to meet present and prospective demands of their consumers at a cost not greater than that at which they could give a supply if they obtained a supply of electricity from some other available source designated by the Electricity Commissioners; or

(*b*) require under section nineteen of the principal Act any authorised undertakers to enter into

an agreement for taking a supply of electricity from some other specified undertakers if it is proved to the satisfaction of the Electricity Commissioners that, having regard to all the circumstances of the case, including the duration of the period during which the supply is taken, and the estimated financial results likely to be obtained during that period, the undertakers would, if they obtained a supply of electricity from some other source, be in a position to give a supply of electricity adequate in quantity and regularity to meet the present and prospective demands of their consumers at a cost not greater than that at which they could give such a supply if they obtained the supply from those specified undertakers;

unless the Electricity Commissioners determine that such refusal or requirement is necessary in the interest of the general supply of electricity in the district whether provisionally or finally determined under the principal Act.

Suspension of powers of purchase of undertakings.

14.—(1) The Electricity Commissioners by an order establishing a joint electricity authority or a special order may, as regards any undertaking or part of an undertaking of any authorised undertakers, suspend any powers of a joint electricity authority or the London County Council or any local authority relating to the purchase of such undertaking or part thereof for such period and on such conditions (if any) as the Electricity Commissioners may think fit, and may for that purpose amend the provisions of any Act or order relating to such undertaking:

Provided that no such powers shall be suspended under the provisions of this section except with the consent of the authority or authorities in whom the said powers are vested.

(2) Where under the powers of this section the Electricity Commissioners suspend any powers of purchase relating to the undertaking of any authorised undertakers or any part thereof, they may make provision as to the relation between the prices which may be charged for electricity and the dividends to be paid by such undertakers.

Mode of exercise of powers by authorities.

15. The powers and duties as to the generation and supply of electricity conferred and imposed by or under the principal Act or this Act on joint electricity authorities may be exercised and performed by any such authority either by themselves or, if so authorised by the order establishing that authority or by special order, through any authorised undertakers; and, where any such authority act through any such undertakers, the undertakers shall have, to such extent as may be provided by such order as aforesaid, the powers and duties of the authority under the principal Act and this Act.

Limitation on powers of joint electricity authorities in areas of power companies.

16.—(1) Subsection (1) of section twelve (Powers of joint electricity authorities in respect of the supply of electricity) of the principal Act shall have effect as if—

(*a*) the words from "except" in paragraph (*b*) of that subsection to the end of that paragraph were omitted therefrom;

(*b*) the words "or power company" were omitted from the proviso to that subsection in each place where those words occur; and

(*c*) the following proviso were inserted at the end of that subsection:

Provided that, if in any particular part of the area of supply of a power company, the power company are not willing and in a position to supply electricity to any local authority, company, or person, who is prepared to enter into a binding contract with that power company to continue to receive and pay for a supply of electricity upon such terms and conditions (including the payment of a minimum annual sum) as will, in the opinion of the Electricity Commissioners, afford an adequate return to the power company and is also (in the case of a company or person) prepared to give to the power company (if required by them so to do) security for the payment of all sums which may become due to the power company under the contract, then and in such case the Electricity Commissioners may, by special order under section twenty-six of the principal Act, authorise a joint electricity authority to supply electricity in that particular part of the area of supply of the power

company without the consent of the power company. In determining what terms and conditions will afford an adequate return to the power company, the Commissioners shall have regard to the following amongst other considerations:

(i) The period for which the authority, company or person requiring the supply guarantees to take the supply;

(ii) The amount of electricity and the maximum power required;

(iii) The hours during which the power company can be called upon to give the supply;

(iv) The capital expenditure in connection with the supply; and

(v) To what extent capital expended in connection with the supply may become unproductive to the power company upon the discontinuance of the supply.

Special provisions as to power companies.

17.—(1) The Electricity Commissioners may, by the order establishing a joint electricity authority, or after the establishment of a joint electricity authority by an order made on the application of that authority, exclude from the area of supply of any power company, subject to such terms, conditions, and reservations as the Electricity Commissioners may think fit—

(*a*) any part of that area in which any right of the power company to supply electricity is subject to the absolute veto of some other authorised undertaker, and where the order provides for or is made conditional on the transfer to the joint electricity authority of the generating station from which a supply of electricity is given to the part of the area in question;

(*b*) any part of that area which at the time of the local inquiry on the scheme to which the order establishing the joint electricity authority gives effect, or, as the case may be, at the time of the application for the order, is not being supplied by the power company, and which it appears to the Electricity Commissioners could be better

served by the joint electricity authority themselves or by that authority acting through any authorised undertakers; and

(*c*) with the consent of the power company any other part of the area of supply of the power company;

and in any such case the order may confer on the power company, subject to such conditions as the Electricity Commissioners may prescribe, power to supply electricity for all purposes in any other part of their area of supply which does not at the time form part of the area of supply of any authorised distributors:

Provided that, where on the application of a joint electricity authority it is proposed to make such an order (not being an order made under section seven of the principal Act), and the power company, or any county council, local authority, or authorised undertakers which appear to the Electricity Commissioners to be interested object to the proposed order, effect shall not be given to the proposals except by a special order under section twenty-six of the principal Act.

(2) Where in pursuance of this section any part of the area of supply of a power company is by order excluded from such area of supply—

(*a*) the exclusion shall not affect any rights of the power company existing immediately before the making of the order to lay mains through the part so excluded, but any such rights may continue to be exercised by the power company notwithstanding such exclusion;

(*b*) the exclusion shall not prevent the power company from giving a supply of electricity at any point in their remaining area for the purpose of haulage or traction on any railway, tramway, or canal, and for the purpose of lighting vehicles and vessels used on any such railway, tramway, or canal which they could have supplied if the part of the area excluded under this section had remained part of their area of supply.

(3) Section fourteen of the principal Act is repealed.

Limitation on prices charged.

18.—(1) The prices charged for electricity by a joint electricity authority shall be so fixed by the authority,

subject to such directions as may be given by the Electricity Commissioners, that, over a term of years to be approved by the Electricity Commissioners, their receipts on income account shall be sufficient to cover their expenditure on income account (including interest and sinking fund charges), with such margin as the Electricity Commissioners may allow.

(2) If the receipts of the joint electricity authority on revenue account in any year are insufficient to meet the charges payable out of revenue in that year, the deficiency may, unless provided for out of a reserve fund, be apportioned amongst the authorised undertakers within the district of the joint electricity authority who take a supply of electricity from the joint electricity authority in proportion to the number of units of electricity supplied to them in that year: Provided that, in any case in which it appears to the joint electricity authority that the deficiency in any year can by a reasonable adjustment of charges, or otherwise, be made good out of moneys receivable by the joint electricity authority in any succeeding year or years, or that the deficiency is so small as to justify postponement of any apportionment, the joint electricity authority shall refrain from making any such apportionment, and such deficiency may be included in the charges payable out of the revenue in any succeeding year or years.

Amendment of section five of principal Act.

19. Section five of the principal Act (Electricity districts) shall have effect as if after the word "authority," in subsection (2) of that section, there had been inserted the words "or other body."

Amendment of section six of principal Act.

20. Section six of the principal Act shall have effect as if after the word "interests" in subsection (1) of that section there had been inserted the words ("including the persons employed in connection with the "supply of electricity"), and as if after the words "electricity district" where they last occur in that subsection there had been inserted the words "and the conditions of employment of persons employed by the Joint "Electricity Authority."

Amendment of section 16 of principal Act.

21.—(1) Section sixteen of the principal Act shall have effect as if for the words "under this Act" there were substituted the words "under or in consequence of

this Act," and as if for the words "in consequence of this Act" there were substituted the words "in consequence of any such transfer scheme, agreement or arrangement":

Provided that any question as to whether a transfer scheme, agreement or arrangement, not made under the principal Act, was in consequence of that Act, shall be determined by the Electricity Commissioners.

(2) The Minister of Labour may make rules as to the procedure before the referee or board of referees under the said section sixteen and may by those rules provide—

(*a*) for limiting the amount of costs and providing for the taxation thereof;

(*b*) for fixing the fees to be paid to the referee or members of the board of referees and for determining by whom such fees are to be paid.

Methods of charging and revision of prices.

22.—(1) Subsection (2) of section thirty-one of the Schedule to the Electric Lighting (Clauses) Act, 1899 (which relates to the method of charging by undertakers), is hereby repealed, and such repeal shall apply to that schedule as incorporated with any Act or order passed or confirmed before the passing of this Act, and where any such Act or order does not incorporate the Schedule to the Electric Lighting (Clauses) Act, 1899, or incorporates it subject to an exception of the said subsection, but contains a provision corresponding to the said subsection, the Act or order shall have effect as if that provision were omitted therefrom.

(2) With a view to making three years the ordinary period of revision of maximum prices, and extending the provisions as to the revision of maximum prices to local authorities, section thirty-two of the Schedule to the Electric Lighting (Clauses) Act, 1899, as incorporated with any Act or order passed or confirmed either before or after the passing of this Act, shall have effect as if for subsection (2) thereof the provisions set out in the Schedule to this Act were substituted.

(3) With regard to any Act or order passed or confirmed before the passing of this Act which limits the price to be charged for electricity, but does not incorporate the said Schedule to the Electric Lighting (Clauses) Act, 1899, or incorporates it subject to an exception of the said section thirty-two, the Act or order shall have

effect as if the provisions set out in the Schedule to this Act, mutatis mutandis, were contained therein in substitution for the provisions therein contained as to the revision of prices, and, where any such Act or order does not contain any provisions authorising the periodical revision of prices, the prices to be charged by the undertakers shall be subject to revision in accordance with the provisions set out in the Schedule to this Act.

(4) Where a joint electricity authority has been established, then on any revision of prices to be charged by undertakers who receive a supply of electricity either directly or indirectly from that authority, regard shall be had to the benefit to the undertakers of any reductions in the cost of electricity attributable to the establishment of the authority.

(5) Where any authorised undertakers have, before the passing of this Act, obtained an order varying the prices to be charged by them, the undertakers may apply to the Minister of Transport for an order varying the methods of charge notwithstanding that a period of three years has not elapsed since the making of the first-mentioned order.

9 Edw. 7. c. 34.

(6) Section ten of the Electric Lighting Act, 1909, is hereby repealed.

Standby supplies of electricity.

23.—(1) Notwithstanding anything in the Electricity (Supply) Acts, 1882 to 1919, or in this Act, or in any other Act of Parliament, or any Provisional Order or special order made under any such Act, a person shall not be entitled to demand or continue to receive for the purposes of a standby supply only from any authorised undertakers a supply of electricity for any premises having a separate supply of electricity or a supply (in use or ready for use for the purposes for which the standby supply of electricity is required) of gas, steam, or other form of energy unless he has agreed with the undertakers to pay to them such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing such standby supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises. The sum to be so paid shall be determined in default of agreement by arbitration.

(2) Section fifteen of the Electric Lighting Act, 1909, is repealed.

Provision as to railways, &c.

24. Notwithstanding anything contained in any Act or order, electricity supplied by a joint electricity authority or power company within their district to any company or authority being the owners or lessees of a railway, tramway, dock, harbour or canal undertaking may be used by the company or authority receiving the supply for the purposes of haulage or traction or for lighting vehicles or vessels used on the railway, tramway, dock, harbour or canal on any part of the system of such company or authority.

Power of persons not being undertakers to supply electricity.

25.—(1) Notwithstanding anything to the contrary contained in any special Act or order, it shall be lawful for the owners or lessees of any railway generating station, or of any generating station erected under statutory authority for the purpose of working tramways or light railways, to supply electricity therefrom upon such terms and conditions as may be agreed—

(*a*) to a joint electricity authority; or

(*b*) to an authorised undertaker; or

(*c*) to any consumer, subject, in the case of premises situate within the area of supply of an authorised undertaker, to the consent of that undertaker:

Provided that no such supply shall be given under the powers conferred by this section—

(i) without the consent of the Electricity Commissioners, who before giving their consent to a supply to any consumer shall have regard to the interests of any undertakers (other than electrical undertakers) who may be affected thereby, or otherwise than subject to such conditions as the Commissioners may impose;

(ii) to any authorised distributors whose undertaking is in the area of a power company without the consent of that company;

(iii) to any premises within the district of a joint electricity authority and not within the area of any other authorised undertakers without the consent of that authority:

Provided also that nothing contained in this section shall limit or derogate from any powers already conferred on or exerciseable by any owners or lessees of any railway generating station, or of any generating station erected under statutory authority for the purpose of working tramways or light railways, or apply to any agreement already or hereafter entered into in pursuance of any such powers.

(2) The Electricity Commissioners may, subject to the provisions of the Electricity (Supply) Acts, 1882 to 1919, and of the Schedules to the Electric Lighting (Clauses) Act, 1899, by order authorise the breaking up of such roads, railways, and tramways as may be necessary for the purpose of such a supply.

(3) The provisions of the Electricity (Supply) Acts, 1882 to 1919, and of the Schedule to the Electric Lighting (Clauses) Act, 1899, so far as they relate to the protection of the Postmaster-General, shall apply to any works for the supply of electricity under this section, and, in the application of those provisions, the owners or lessees mentioned in subsection (1) of this section shall be deemed to be the undertakers, and nothing in this section shall affect any right or remedy of the Postmaster-General under the Telegraph Acts, 1863 to 1921.

Provision for payment off of debentures in certain cases.

26. Where the generating station of any company becomes transferred to or is acquired by a joint electricity authority, and the company has created and issued debentures or debenture stock (whether irredeemable or not) charged upon such generating station, the company may, and, if so required by the trustees for the holders of the debentures or debenture stock, shall, present to the court having jurisdiction to wind up the company a scheme for the payment off in whole or in part of the debentures or debenture stock out of the proceeds of the sale, and if the court sanctions the scheme the debentures or debenture stock may, notwithstanding anything therein or in any trust deed for securing the same, be paid off accordingly:

Provided that the cost which an auditor appointed by the Electricity Commissioners certifies to have been necessarily incurred in obtaining and carrying out the scheme shall be borne and paid by the joint electricity authority.

Winding up of companies.

27.—(1) After the whole undertaking of any company incorporated by Act of Parliament is transferred to a joint electricity authority under the principal Act, such company may, subject to the provisions of this Act, be wound up under and in accordance with the provisions of and in the same manner and with the same incidents as if the company were a company registered under the Companies Acts, 1908 to 1917, and had, on such transfer, duly passed a special resolution requiring the company to be wound up voluntarily.

(2) For the purposes of such winding up, the company shall, from and after such transfer, be deemed to be registered under the last-mentioned Acts in that part of the United Kingdom in which its principal place of business is situated, and, for the purpose of calling and holding meetings and passing resolutions and other matters incidental to such winding up, resolutions of meetings of the company convened and held in pursuance and in accordance with the provisions contained in the Acts relating to the company may and shall take effect as resolutions of a company duly registered.

Expenses of London County Council.

28. Any expense incurred by the London County Council under or in pursuance of this Act or the Electricity (Supply) Acts, 1882 to 1919, shall be defrayed as expenses for general county purposes.

Extension of period for repayment of money borrowed by Scottish local authorities. 2 Edw. 7. c. 35. 53 & 54 Vict. c. 13.

29. In the application of section one of the Electric Lighting (Scotland) Act, 1902, to money borrowed after the passing of this Act, a period not exceeding sixty years shall be substituted for a period not exceeding thirty years as the period within which money borrowed by a local authority within the meaning of the Schedule to the Electric Lighting (Scotland) Act, 1890, is to be repaid.

Application to Scotland.

30. This Act shall apply to Scotland subject to the following modifications:—

(1) "Receiver" means "judicial factor":

(2) In the application of the section of this Act relating to power of undertakers, &c. to give financial assistance—

(*a*) References to a county district and to a metropolitan borough shall not apply;

(*b*) References to a borough or a municipal borough shall be construed as references to any burgh to which the Town Councils (Scotland) Act, 1900, applies;

63 & 64 Vict. c. 49.

(*c*) For the references to the Minister of Health, to the Local Government Act, 1888, and to the Public Health Act, 1875, there shall be substituted references respectively to the Secretary for Scotland, to the Local Government (Scotland) Act, 1889, and to the Public Health (Scotland) Act, 1897;

52 & 53 Vict. c. 50. 60 & 61 Vict. c. 38.

(*d*) Any expenses incurred by a county council under the said section shall be defrayed out of the general purposes rate: Provided that,—

(i) notwithstanding anything contained in the Local Government (Scotland) Act, 1889, the ratepayers of a police burgh shall not be assessed by a county council for any such expenses; and

(ii) any expenses so incurred by a town council shall be defrayed out of the public health general assessment, but such expenses shall not be reckoned in any calculation as to the statutory limit of that assessment.

Short title, construction, and extent.

31.—(1) This Act may be cited as the Electricity (Supply) Act, 1922, and the Electricity (Supply) Acts, 1882 to 1919, and this Act shall be construed together as one Act, and may be cited as the Electricity (Supply) Acts, 1882 to 1922.

(2) This Act shall not extend to Ireland.

Section 22.

SCHEDULE.

PROVISION TO BE SUBSTITUTED FOR SECTION 32 (2) OF THE SCHEDULE TO THE ELECTRIC LIGHTING (CLAUSES) ACT, 1899.

Provided that if either—

(*a*) the undertakers; or

(*b*) such number of consumers not less than twenty as the Minister of Transport considers sufficient having regard to the population of the area of supply; or

(*c*) in a case where the local authority are not themselves the undertakers, the local authority; or

(*d*) in a case where the local authority are not themselves the undertakers and the area of supply is situate wholly or partly within the county of London, the London County Council,

at any time after the expiration of three years after the confirmation of the special order make a representation to the Minister that the prices or methods of charge stated in the special order or approved by the Minister ought to be altered, the Minister, after such inquiry as he may think fit, may make an order varying the prices or methods of charge stated in the special order or so approved as aforesaid, or substituting other prices or methods of charge in lieu thereof, and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order as if they had been stated in the special order:

Provided also that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of three years after they were last altered.

CHAPTER 47.

An Act to amend the Law as respects certain matters in connection with which the consent of the Railway and Canal Commission is required.

[4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Provisions as to consents by the Railway and Canal Commission under 6 & 7 Geo. 5. c. 63.

1.—(1) Where before the thirty-first day of August, nineteen hundred and twenty-two, an application has been made to the Railway and Canal Commission under subsection (3) of section six of the Defence of the Realm (Acquisition of Land) Act, 1916 (hereinafter referred to as the principal Act), for the consent of the Commission to any highway being kept closed after that date, the highway may be kept closed until the application has been disposed of by the Commission, but not for more

than six months after the said thirty-first day of August unless the Commission in any particular case allow a longer time; and where the Commission on any such application consent to the highway being kept closed for a limited period, the Commission may subsequently, on any application being made at any time before the expiration of such limited period, extend that period.

(2) Where an application has before the twenty-eighth day of February, nineteen hundred and twenty-three, been made to the Railway and Canal Commission for their consent to the occupying department continuing in the possession of land, and the application is not disposed of by the Commission before the thirty-first day of August, nineteen hundred and twenty-three, the occupying department may continue in possession of the land until the application has been disposed of, but not for more than six months after the thirty-first day of August, nineteen hundred and twenty-three, unless the Commission in any particular case allow a longer time: Provided that this subsection shall not apply to commons or common lands.

(3) Where the consent of the Railway and Canal Commission is necessary to the acquisition of any land under section three of the principal Act, and an application is made to the Commission for their consent before the expiration of the period within which the power of acquisition must be exercised, and the Commission give their consent, the power of acquisition may be exercised if notices to treat are served within three months after the consent of the Commission is given, notwithstanding that the time within which the power must be exercised under the said section has elapsed.

Short title.

2. This Act may be cited as the Railway and Canal Commission (Consents) Act, 1922.

CHAPTER 48.

An Act to provide for the payment of contributions towards the costs of benefits under the scheme framed and approved in terms of the Education (Scotland) (Superannuation) Act, 1919, and for matters incidental thereto, and for the payment from the Consolidated Fund of deferred annuities in respect of contributions under the Elementary School Teachers (Superannuation) Act, 1898. [4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Contributions towards benefits under Superannuation Scheme.

9 & 10 Geo. 5. c. 17.

1.—(1) As from the first day of June, nineteen hundred and twenty-two, and until the first day of June, nineteen hundred and twenty-four, there shall be paid to the Scottish Education Department (in this Act referred to as "the Department") by or in respect of every teacher to whom the Teachers' Superannuation Scheme framed and approved under the Education (Scotland) (Superannuation) Act, 1919, or any amendment thereof (hereinafter in this Act referred to as "the scheme") applies and who was on the first day of June, nineteen hundred and twenty-two, or is at any time thereafter employed in service within the meaning of the scheme, by way of contribution towards the cost of providing benefits under the scheme, an amount equal to five per centum of his salary as calculated in accordance with the Teachers Superannuation Rules (Scotland), 1919, or any amendment thereof, or, in the case of a teacher who is, by reason of sickness, receiving less than full salary, the amount which he is actually receiving by way of salary for the time being, provided that the contribution shall not exceed the amount, if any, by which the salary of the teacher exceeds four-fifths of the full salary to which he would be entitled in terms of the minimum national scales.

(2) The payments due in terms of the foregoing subsection shall be collected by the Department from each education authority, governing body, or other body of managers either directly or by deduction from any grants that may accrue under any regulations, code, or minute of the department, and in consideration of such collection it shall be lawful for each education authority, governing body, or other body of managers to deduct five per centum from the salary of every teacher to whom the scheme applies:

Provided that, in the case of any teacher in respect of whose salary no contribution has been so collected, any sum due under the immediately preceding subsection shall be recoverable by the Department from the teacher, either directly or by deduction from any sum payable to him or to his legal personal representatives under the scheme.

Amending scheme to be framed.

2. As soon as may be after the passing of this Act, the Department shall frame and lay before each House of Parliament, with a view to approval by Order in Council, an amending scheme which shall provide for the return to individual teachers, in such cases and on such conditions as may be prescribed therein, of any sums that may have been or may be deducted from their salaries in terms of the first section of this Act, and for the making of any rules that may be required for the purpose of giving effect to the provisions of this Act, and which may also, if so prescribed, provide for the payment in each year of a contribution towards the cost of the scheme by education authorities, governing bodies, or other bodies of managers, such contribution to be a prescribed proportion (not exceeding two per centum) of the salaries of all teachers to whom the scheme applies who are in the employment of the particular education authority, governing body, or other body of managers by whom the contribution is paid. The provisions of section eight of the Education (Scotland) (Superannuation) Act, 1919 (which relates to approval and effect of scheme), shall apply to any amending scheme framed in pursuance of this section.

Sums to be paid into the Exchequer.

3. After deduction of any contributions that may be returned in terms of any amending scheme framed and approved in pursuance of the immediately preceding section, all sums collected or recovered by the Department in terms of the first section of this Act shall, except

in so far as they are authorised to be applied as an appropriation in aid of the moneys provided by Parliament for Public Education in Scotland, be paid into the Exchequer.

Payment by National Debt Commissioners. 8 & 9 Geo. 5. c. 55.

4. Notwithstanding anything in subsection (1) of section twenty of the School Teachers (Superannuation) Act, 1918, subsection (2) of section twelve of that Act shall apply and be deemed always to have applied to Scotland, and any deferred annuities payable on or after the first day of April, nineteen hundred and twenty-three, in respect of Scottish contributions shall be charged on the Consolidated Fund and the growing produce thereof, and shall be paid by the National Debt Commissioners in such manner as the Treasury direct.

Extent, citation, and construction.

5.—(1) This Act shall extend to Scotland only.

(2) This Act may be cited as the Education (Scotland) (Superannuation) Act, 1922, and the Education (Scotland) Acts, 1872 to 1919, and this Act may be cited as the Education (Scotland) Acts, 1872 to 1922, and shall, so far as is consistent with the tenor thereof, be construed together as one Act.

CHAPTER 49.

An Act to amend the Law with respect to the Remuneration of Railway Companies for the conveyance of Parcels. [4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Remuneration to railway companies for carriage of parcels. 45 & 46 Vict. c. 74.

1. The Post Office (Parcels) Act, 1882, shall have effect as if in paragraph (2) of section two thereof (which fixes the amount of railway remuneration)—

(*a*) "two-fifths of the gross receipts" were substituted for "eleven-twentieth parts of the gross "receipts" wherever that expression occurs; and

(*b*) a reference to the weights of or rates of postage for parcels mentioned in the Schedule to this Act were substituted for the reference to those mentioned in the Second Schedule to that Act; and

(*c*) there were added to the grounds on which a revision of the amount of the railway remuneration may be required, the ground that the number of parcels conveyed otherwise than by rail exceeds ten per cent. of the total number of parcels transmitted by post, whether borne by rail, road, or any other method of transport:

Provided that, where the amount of the railway remuneration is revised on the ground last herein mentioned, such revision shall take effect as from the date when such excess as aforesaid first occurred.

Ascertainment of number of parcels conveyed by various methods of transport. 11 & 12 Geo. 5. c. 40.

2. The returns which, under section three of the Post Office and Telegraph Act, 1920, the Postmaster-General is required in every year to cause to be made, shall include returns showing the proportion of the total number of parcels transmitted by post which is conveyed by rail and by other methods of transport respectively, and that section shall have effect accordingly.

Short title, repeal, application, and commencement. 5 & 6 Geo. 5. c. 82.

3.—(1) This Act may be cited as the Post Office (Parcels) Act, 1922.

(2) Subsection (2) of section two of the Post Office and Telegraph Act, 1915, is hereby repealed.

(3) This Act shall not apply to any part of Ireland other than Northern Ireland.

(4) This Act shall be deemed to have had effect as from and after the fifteenth day of August, nineteen hundred and twenty-one.

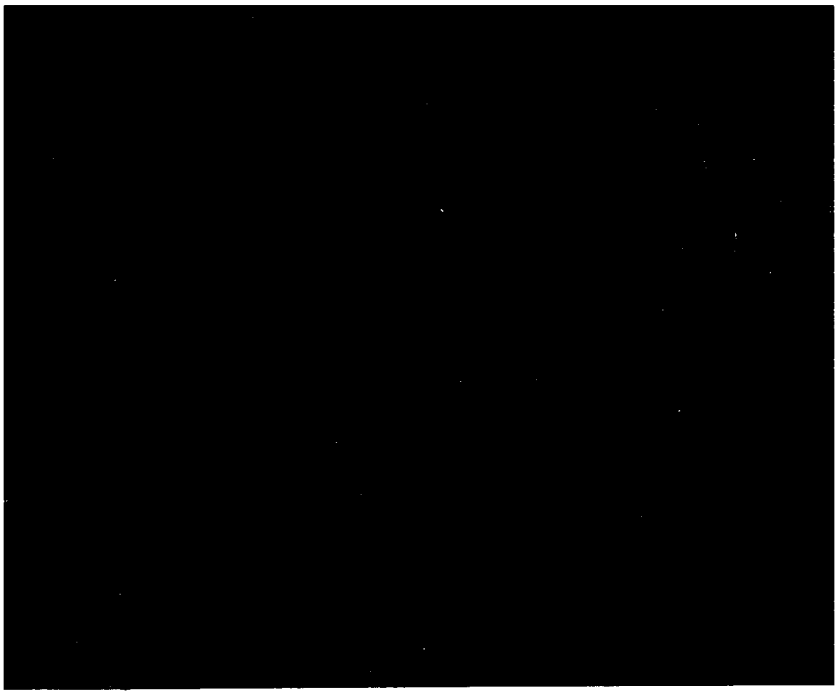
Section 1.

SCHEDULE.

WEIGHTS OF AND RATES OF POSTAGE.

PARCELS.

	s.	*d.*
For a parcel not exceeding 2 lb. in weight -	0	9
For a parcel exceeding 2 lb. but not exceeding 5 lb. - - - - - -	1	0
For a parcel exceeding 5 lb. but not exceeding 8 lb. - - - - - -	1	3
For a parcel exceeding 8 lb. but not exceeding 11 lb. - - - - -	1	6



CORRIGENDUM.

Post Office (Parcels) Act, 1922. (12 & 13 Geo. V. c. 49.)

Marginal Reference to SECTION 2, *9th line,*

11 and 12 Geo. *should read* 10 and 11 Geo.

(p. 542 in continuous edition).

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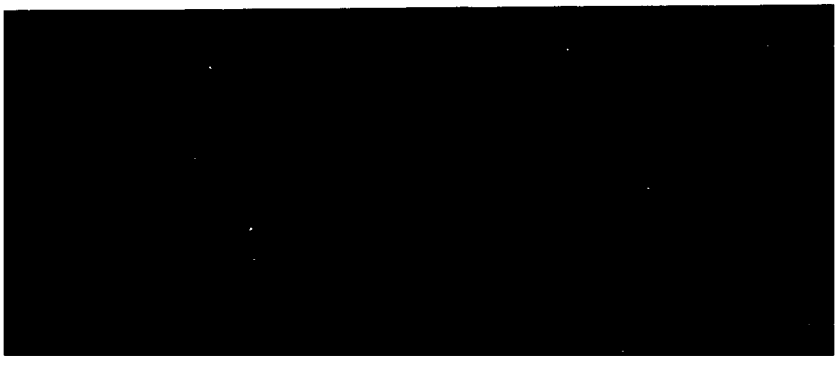

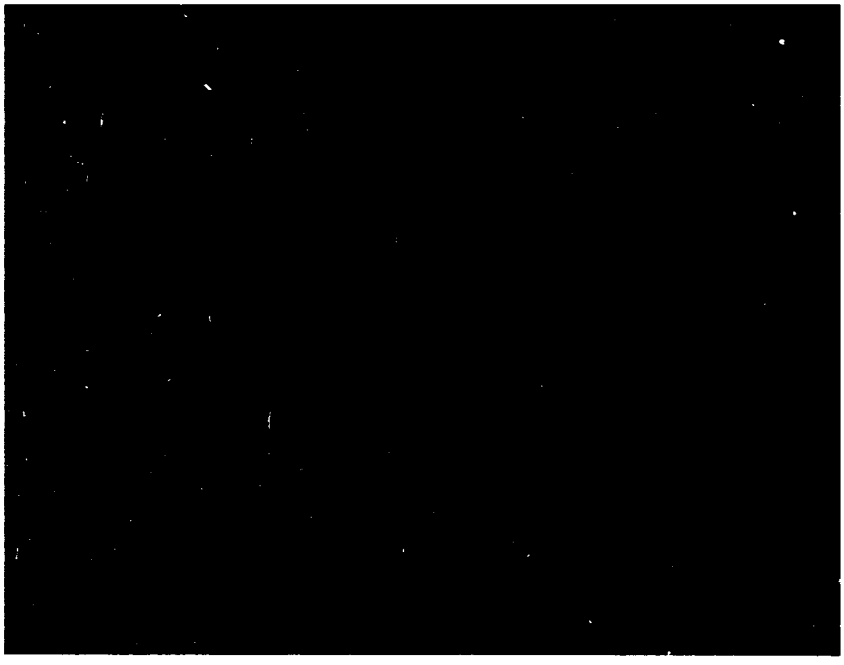

CHAPTER 50.

An Act to deal with certain Expiring Laws by making some of them permanent, repealing others, and continuing the remainder for a limited period. [4th August 1922.]

WHEREAS the Acts mentioned in Parts I. and II. of the First Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December, nineteen hundred and twenty-two, and the thirty-first day of August, nineteen hundred and twenty-two, respectively:

And whereas the Acts mentioned in the Second Schedule to this Act, are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December, nineteen hundred and twenty-two:

And whereas of the Acts mentioned in the Third Schedule to this Act, those mentioned in Parts I., II., III., IV., V., VI., and VII. thereof are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December, nineteen hundred and twenty-two, the thirty-first day of July, nineteen hundred and twenty-two, the nineteenth day of August, nineteen hundred and twenty-two, the thirty-first day of August, nineteen hundred and twenty-two, the first day of July, nineteen hundred and twenty-three, the eighth day of September, nineteen hundred and twenty-two, and the fifteenth day of February, nineteen hundred and twenty-three, respectively, and those mentioned in Part VIII. thereof are limited to expire on the thirty-first day of March, nineteen hundred and twenty-three:

And whereas it is expedient that the Acts mentioned in the First Schedule to this Act should be made permanent, that the Acts mentioned in the Second Schedule to this Act should be repealed, and that the Acts mentioned in the Third Schedule to this Act should be continued, as in this Act mentioned, together in each case with any enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

Certain Acts to be made permanent.

1. The Acts mentioned in the First Schedule to this Act shall, to the extent specified in column three of that schedule, become permanent Acts, and any provision in any Act in force at the date of the passing of this Act which limits the period for which any of those Acts or any parts thereof are to remain in operation shall cease to have effect.

Certain Acts to be repealed.

2. The Acts mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in column three of that schedule.

Certain Acts to be continued temporarily.

3.—(1) The Acts mentioned in Parts I. to V. inclusive of the Third Schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the thirty-first day of December, nineteen hundred and twenty-three, and shall then expire, unless further continued.

(2) The Act mentioned in Part VI. of the Third Schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the eighth day of September, nineteen hundred and twenty-three, and shall then expire, unless further continued.

(3) The Acts mentioned in Parts VII. and VIII. of the Third Schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the thirty-first day of March, nineteen hundred and twenty-four, and shall then expire, unless further continued.

Amending enactments.

4. Any unrepealed enactments amending or affecting the enactments made permanent or continued by this Act shall, in so far as they are temporary in their duration, become permanent or be continued in like manner, whether they are mentioned in the First or Third Schedule (as the case may be) to this Act or not.

Short title and application to Ireland.

5.—(1) This Act may be cited as the Expiring Laws Act, 1922.

(2) This Act shall apply to Northern Ireland in so far as it deals with any enactment relating to a subject with respect to which the Parliament of Northern Ireland has not power to make laws, but subject to this provision this Act shall not apply to Ireland.

SCHEDULES.

FIRST SCHEDULE.

Section 1.

ENACTMENTS MADE PERMANENT.

PART I.

1. Session and Chapter.	2. Short Title.	3. How far made permanent.	4. Amending Acts.
(1) 3 & 4 Vict. c. 89.	The Poor-Rate Exemption Act, 1840.	The whole Act so far as unrepealed.	——
(2) 4 & 5 Vict. c. 30.	The Ordnance Survey Act, 1841.	The whole Act so far as unrepealed.	33 & 34 Vict. c. 13. 47 & 48 Vict. c. 43. 52 & 53 Vict. c. 30.
(3) 10 & 11 Vict. c. 98.	The Ecclesiastical Jurisdiction Act, 1847.	The whole Act so far as unrepealed.	——
(4) 14 & 15 Vict. c. 104.	The Episcopal and Capitular Estates Act, 1851.	The whole Act so far as unrepealed	17 & 18 Vict. c. 116. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114. s. 10.
(5) 17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	The whole Act so far as unrepealed.	26 & 27 Vict. c. 29. s. 6. 31 & 32 Vict. c. 125. 46 & 47 Vict. c. 51.
(6) 26 & 27 Vict. c. 105.	The Promissory Notes Act, 1863.	The whole Act -	45 & 46 Vict. c. 61.

1. Session and Chapter.	2. Short Title.	3. How far made permanent.	4. Amending Acts.
(7) 27 & 28 Vict. c. 20.	The Promissory Notes (Ireland) Act, 1864.	The whole Act so far as unrepealed.	——
(8) 28 & 29 Vict. c. 83.	The Locomotives Act, 1865.	The whole Act so far as unrepealed.	41 & 42 Vict. c. 58. 41 & 42 Vict. c. 77. (Part II.) 59 & 60 Vict. c. 36. 61 & 62 Vict. c. 29. 6 & 7 Geo. 5. c. 12.
(9) 31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	The whole Act so far as unrepealed.	42 & 43 Vict. c. 75. 46 & 47 Vict. c. 51.
(10) 32 & 33 Vict. c. 21.	The Corrupt Practices Commission Expenses Act, 1869.	The whole Act so far as unrepealed.	34 & 35 Vict. c. 61.
(11) 32 & 33 Vict. c. 56.	The Endowed Schools Act, 1869.	The whole Act so far as unrepealed.	36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87. 52 & 53 Vict. c. 40. 8 Edw. 7. c. 39.
(12) 34 & 35 Vict. c. 87.	The Sunday Observation Prosecution Act, 1871.	The whole Act so far as unrepealed.	——
(13) 43 & 44 Vict. c. 42.	The Employers Liability Act, 1880.	The whole Act so far as unrepealed.	6 Edw. 7. c. 58. s. 14.
(14) 51 & 52 Vict. c. 55.	The Sand Grouse Protection Act, 1888.	The whole Act so far as unrepealed.	——

1. Session and Chapter.	2. Short Title.	3. How far made permanent.	4. Amending Acts.
(15) 52 & 53 Vict. c. 40.	The Welsh Intermediate Education Act, 1889.	The whole Act so far as unrepealed.	53 & 54 Vict. c. 60. 2 Edw. 7. c. 42.
(16) 61 & 62 Vict. c. 49.	The Vaccination Act, 1898.	The whole Act so far as unrepealed.	7 Edw. 7. c. 31.
(17) 3 Edw. 7. c. 36.	The Motor Car Act, 1903.	The whole Act so far as unrepealed.	9 Edw. 7. c. 37. 10 & 11 Geo. 5. c. 72.
(18) 5 Edw. 7. c. 18.	The Unemployed Workmen Act, 1905.	The whole Act -	9 Edw. 7. c. 7.
(19) 5 & 6 Geo. 5. c. 48.	The Fishery Harbours Act, 1915.	The whole Act.	——

PART II.

(20) 6 & 7 Geo. 5. c. 67.	The War Loan Act, 1916.	Subsection (6) of section one so far as it relates to the holding of Government securities acquired before the thirty-first day of August, nineteen hundred and twenty-two.	——

SECOND SCHEDULE.

ENACTMENTS REPEALED.

1. Session and Chapter.	2. Short Title.	3. How far repealed.	4. Amending Acts.
(1) 1 & 2 Geo. 5. c. 55.	The National Insurance Act, 1911.	Section seventy-eight.	——
(2) 3 & 4 Geo. 5. c. 26.	The Highlands and Islands (Medical Service) Grant Act, 1913.	Subsection (2) of section six.	——
(3) 5 & 6 Geo. 5. c. 4.	The Land Drainage Act, 1914.	Subsection (2) of section four.	——
(4) 9 & 10 Geo. 5. c. 59.	The Land Settlement (Facilities) Act, 1919.	Sections three, four, and five.	——
(5) 10 & 11 Geo. 5. c. 44.	The Fertilisers (Temporary Control of Export) Act, 1920.	The whole Act.	——

THIRD SCHEDULE.

ENACTMENTS CONTINUED.-

PART I.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 46 & 47 Vict. c. 60.	The Labourers (Ireland) Act, 1883.	The whole Act -	48 & 49 Vict. c. 77. 49 & 50 Vict. c. 59. 54 & 55 Vict. c. 48. 54 & 55 Vict. c. 71. 55 & 56 Vict. c. 7. 59 & 60 Vict. c. 53. 61 & 62 Vict. c. 37. 3 Edw. 7. c. 37. 6 Edw. 7. c. 37. 7 Edw. 7. c. 44. 9 Edw. 7. c. 42. 1 & 2 Geo. 5. c. 19. 4 & 5 Geo. 5. c. 32. 8 & 9 Geo. 5. c. 20. 9 & 10 Geo. 5. c. 55.
(2) 58 & 59 Vict. c. 21.	The Seal Fisheries (North Pacific) Act, 1895.	The whole Act.	——
(3) 4 Edw. 7. c. 24.	The Wireless Telegraphy Act, 1904.	The whole Act.	——

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(4) 7 Edw. 7. c. 55.	The London Cab and Stage Carriage Act, 1907.	As to the abolition of the privileged cab system, section two.	——
(5) 1 & 2 Geo. 5. c. 55.	The National Insurance Act, 1911.	Section forty-two -	3 & 4 Geo. 5. c. 37. 4 & 5 Geo. 5. c. 57. 4 & 5 Geo. 5. c. 81. 7 & 8 Geo. 5. c. 62. 10 & 11 Geo. 5. c. 10.
(6) 2 & 3 Geo. 5. c. 2.	The Coal Mines (Minimum Wage) Act, 1912.	The whole Act.	——
(7) 4 & 5 Geo. 5. c. 3.	The Grey Seals Protection Act, 1914.	The whole Act.	——
(8) & 5 Geo. 5. c. 78.	The Courts (Emergency Powers) Act, 1914.	So far as it relates— (*a*) to enforcing the lapse of policies of insurance, and (*b*) to orders made by any court before the thirty-first day of August, nineteen hundred and twenty-two.	6 & 7 Geo. 5. c. 13. 6 & 7 Geo. 5. c. 18. 7 & 8 Geo. 5. c. 25. 9 & 10 Geo. 5. c. 64. 10 Geo. 5. c. 5.
(9) 7 & 8 Geo. 5. c. 19.	The Coroners (Emergency Provisions) Act, 1917.	The whole Act -	12 Geo. 5. c. 2.
(10) 7 & 8 Geo. 5. c. 42.	The Workmen's Compensation (War Addition) Act, 1917.	The whole Act -	9 & 10 Geo. 5. c. 83.
(11) 8 & 9 Geo. 5. c. 23.	The Juries Act, 1918	Section seven -	12 Geo. 5. c. 2.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(12) 9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act, 1919.	Section one.	——
(13) 9 & 10 Geo. 5. c. 97.	The Land Settlement (Scotland) Act, 1919.	Sections one and two.	——
(14) 9 & 10 Geo. 5. c. 99.	The Housing (Additional Powers) Act, 1919.	Sections one, two, eleven, and thirteen so far as they apply to Scotland.	——
(15) 10 & 11 Geo. 5. c. 57.	The Unemployment (Relief Works) Act, 1920.	The whole Act.	——
(16) 10 & 11 Geo. 5. c. 58.	The Shops (Early Closing) Act, 1920.	The whole Act -	11 & 12 Geo. 5. c. 60.
(17) 11 & 12 Geo. 5. c. 66.	The National Health Insurance (Prolongation of Insurance) Act, 1921.	The whole Act.	——

Part II.

(18) 9 & 10 Geo. 5. c. 35.	The Housing, Town Planning, &c., Act, 1919.	Section twenty-five.	——

Part III.

(19) 9 & 10 Geo. 5. c. 60.	The Housing, Town Planning, &c. (Scotland) Act, 1919.	Section twenty-two.	——

PART IV.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(20) 6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Section five, except paragraph (*a*); Sections six, seven, nine, and twelve; Section thirteen, except subsection (6); Sections fourteen, twenty-one, twenty-two, and twenty-three, and subsection (1) of section twenty-four.	11 & 12 Geo. 5. c. 12.
(21) 6 & 7 Geo. 5. c. 55.	The Local Government (Emergency Provisions) (No. 2) Act, 1916.	The whole Act -	11 & 12 Geo. 5. c. 12.
(22) 10 & 11 Geo. 5. c. 47.	The Ministry of Food (Continuance) Act, 1920.	So far as it authorises the making, or revoking in whole or in part, of Parts I. and III. of the Sale of Food Order, 1921, and provides for the enforcement and imposes penalties for the breach thereof.	——

PART V.

(23) 11 & 12 Geo. 5. c. 1.	The Unemployment Insurance Act, 1921.	The provisions as to increases in the rates of unemployment benefit and in the rates of contributions.	11 & 12 Geo. 5. c. 15.

PART VI.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(24) 10 & 11 Geo.5. c. 29.	The Overseas Trade (Credits and Insurance) Act, 1920.	As to the powers of the Board of Trade with respect to the granting of credits and the giving of new guarantees.	11 & 12 Geo.5. c. 26. 11 & 12 Geo.5. c. 65.

PART VII.

(25) 8 & 9 Geo. 5. c. 34.	The Statutory Undertakings (Temporary Increase of Charges) Act, 1918.	So far as it relates to tramway undertakings.	10 & 11 Geo. 5. c. 14.

PART VIII.

(26) 59 & 60 Vict. c. 16.	The Agricultural Rates Act, 1896.	The whole Act -	2 Edw. 7. c. 42. 7 Edw. 7. c. 13.
(27) 59 & 60 Vict. c. 37.	The Agricultural Rates, Congested Districts, and Burgh Land Tax Relief (Scotland) Act, 1896.	The whole Act -	60 & 61 Vict. c. 53. 7 Edw. 7. c. 13. 1 & 2 Geo. 5. c. 49.

CHAPTER 51.

An Act to amend the law relating to Allotments.

[4th August 1922.]

BE it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Determination of tenancies of allotment gardens.

1.—(1) Where land is let on a tenancy for use by the tenant as an allotment garden or is let to any local authority or association for the purpose of being sub-let for such use the tenancy of the land or any part shall not (except as hereinafter provided) be terminable by the landlord by notice to quit or re-entry, notwithstanding any agreement to the contrary, except by—

(*a*) a six months' or longer notice to quit expiring on or before the sixth day of April or on or after the twenty-ninth day of September in any year; or

(*b*) re-entry, after three months' previous notice in writing to the tenant, under a power of re-entry contained in or affecting the contract of tenancy on account of the land being required for building, mining, or any other industrial purpose or for roads or sewers necessary in connection with any of those purposes; or

(*c*) re-entry under a power in that behalf contained in or affecting the contract of tenancy in the case of land let by a corporation or company being the owners or lessees of a railway, dock, canal, water, or other public undertaking on account of the land being required by the corporation, or company, for any purpose (not being the use of the land for agriculture) for which it was acquired or held by the corporation, or company, or has been appropriated under any statutory provision, but so that, except in a case of emergency, three months' notice in writing of the intended re-entry shall be given to the tenant; or

(*d*) re-entry under a power in that behalf contained in or affecting the contract of tenancy, in the case of land let by a local authority (being land which was acquired by the local authority before the passing of this Act under the Housing Acts, 1890 to 1921) on account of the land being required by the local authority for the purposes of those Acts, and, in the case of other land let by a local authority, after three months' previous notice in writing to the tenant on account of the land being required by the local authority for a purpose (not being the use of land for agriculture) for which it was acquired by the local authority, or has been appropriated under any statutory provision; or

(*e*) re-entry for non-payment of rent or breach of any term or condition of the tenancy or on account of the tenant becoming bankrupt or compounding with his creditors, or where the tenant is an association, on account of its liquidation.

(2) This section shall apply to a tenancy current at the date of the passing of this Act, but not so as to affect the operation of any notice to quit given, or proceedings for recovery of possession commenced, before that date.

(3) Where under any contract of tenancy to which this section applies, made before the passing of this Act, the tenancy is either by express provision or by implication made terminable by the landlord by notice to quit expiring on a date between the sixth day of April and the twenty-ninth day of September, the tenancy shall be terminable by him on the twenty-ninth day of September, and any such notice to quit given in accordance with the contract shall have the effect of a notice to quit on that day.

(4) This section shall not apply to land held by or on behalf of the Admiralty, War Department, or Air Council, and so let as aforesaid when possession of the land is required for naval, military, or air force purposes.

Compensation on quitting allotment gardens.

2.—(1) Where under any contract of tenancy land is, before or after the passing of this Act, let for use by the tenant as an allotment garden, the tenant shall,

subject to the provisions of this section and notwithstanding any agreement to the contrary, be entitled at the termination of the tenancy, on quitting the land, to obtain from the landlord compensation as provided by this section.

(2) Subject to the provisions of this section, compensation shall be recoverable under this section only if the tenancy is terminated by the landlord and is so terminated either—

(*a*) between the sixth day of April and the twenty-ninth day of September; or

(*b*) by re-entry at any time under paragraph (*b*) or paragraph (*c*) or paragraph (*d*) of subsection (1) of the last preceding section.

(3) The compensation recoverable from the landlord under this section shall be for crops growing upon the land in the ordinary course of the cultivation of the land as an allotment garden or allotment gardens, and for manure applied to the land.

(4) A tenant whose tenancy is terminated by the termination of the tenancy of his landlord shall be entitled to recover from his landlord such compensation (if any) as would have been recoverable if his tenancy had been terminated by notice to quit given by his landlord.

(5) Any sum due to the landlord from the tenant in respect of rent or of any breach of the contract of tenancy under which the land is held, or wilful or negligent damage committed or permitted by the tenant, shall be taken into account in reduction of the compensation.

(6) This section shall also apply to any contract of tenancy made after the passing of this Act by which land is let to any local authority or association for the purpose of being sublet for use by the tenants as allotment gardens and, notwithstanding that the crops have been grown and the manure applied by the tenants of the local authority or association. Section twenty-three of the Land Settlement (Facilities) Act, 1919, shall not apply to land let after the passing of this Act to any local authority or association for the purpose of being sub-let for use by the tenants as allotment gardens.

9 & 10 Geo. 5. c. 59.

(7) This section shall apply to the termination of the tenancy of the whole or any part of the land the subject of a contract of tenancy.

(8) Except as provided by this section or by the contract of tenancy, the tenant of land under a contract of tenancy to which this section applies shall not be entitled to recover compensation from the landlord at the termination of the tenancy.

(9) If the tenancy of the tenant is terminated on the twenty-ninth day of September or the eleventh day of October, or at any date between those days, either by notice to quit given by the landlord or by the termination of the tenancy of the landlord, the tenant whose tenancy is so terminated shall be entitled at any time within twenty-one days after the termination of the tenancy to remove any crops growing on the land.

(10) This section shall not apply to any tenancy which is terminated by the effluxion of time before the date of the passing of this Act, or, where a notice to quit has been given, re-entry has been made or proceedings for recovery of possession have been commenced before that date.

Provision as to cottage holdings and certain allotments.

3.—(1) The foregoing provisions of this Act as to determination of tenancies of allotment gardens and compensation to a tenant on quitting the same shall not apply to any parcel of land attached to a cottage.

(2) In the case of any allotment within the meaning of this section (not being an allotment garden), the tenant shall, on the termination of his tenancy by effluxion of time, or from any other cause, be entitled, notwithstanding any agreement to the contrary, to obtain from the landlord compensation for the following matters:—

(*a*) For crops, including fruit, growing upon the land in the ordinary course of cultivation and for labour expended upon and manure applied to the land; and

(*b*) For fruit trees or bushes provided and planted by the tenant with the previous consent in writing of the landlord, and for drains, outbuildings, pigsties, fowl-houses, or other structural improvements made or erected by and at the expense of the tenant on the land with such consent.

(3) Any sum due to the landlord from the tenant in respect of rent or of any breach of the contract of tenancy under which the land is held, or wilful or negligent damage committed or permitted by the tenant, shall be taken into account in reduction of the compensation.

(4) The amount of the compensation shall, in default of agreement, be determined and recovered in the same manner as compensation is, under this Act, to be determined and recovered in the case of an allotment garden.

(5) The Agricultural Holdings Acts, 1908 to 1921, shall, in the case of an allotment within the meaning of this section to which those Acts apply, have effect as if the provisions of this section as to the determination and recovery of compensation were substituted for the provisions of those Acts as to the determination and recovery of compensation, and a claim for compensation for any matter or thing for which a claim for compensation can be made under this section, may be made either under those Acts or under this section, but not under both.

(6) The compensation in respect of an improvement made or begun on an allotment (not being an allotment garden) before the passing of this Act shall be such (if any) as could have been claimed if this Act had not been passed.

(7) In this section the expression "allotment" means any parcel of land, whether attached to a cottage or not, of not more than two acres in extent, held by a tenant under a landlord and cultivated as a farm or a garden, or partly as a garden and partly as a farm.

Further provision as to allotment gardens and allotments.

4.—(1) A tenant of land held under a contract of tenancy to which any of the foregoing provisions of this Act apply may, before the termination of the tenancy, remove any fruit trees or bushes provided and planted by the tenant and any erection, fencing or other improvement erected or made by and at the expense of the tenant, making good any injury caused by such removal.

(2) A tenant of land held under a contract of tenancy to which any of the foregoing provisions of this Act apply and which is made with a mortgagor but is not binding on the mortgagee, shall, on being deprived of possession by the mortgagee, be entitled to recover compensation from him as if he were the landlord and had

then terminated the tenancy, but subject to the deduction from such compensation of any rent or other sum due from the tenant in respect of the land.

Rights of tenant who has paid compensation to outgoing tenant.

5. Where a tenant of an allotment has paid compensation to an outgoing tenant for any fruit trees or bushes or other improvement, he shall have the same rights as to compensation or removal as he would have had under this Act if the fruit trees or bushes had been provided and planted or the improvement had been made by him and at his expense.

Assessment and recovery of compensation.

6.—(1) The compensation under the foregoing provisions of this Act, and such further compensation (if any) as is recoverable under the contract of tenancy shall, in default of agreement, be determined by a valuation made by a person appointed in default of agreement by the judge of the county court having jurisdiction in the place where the land is situated, on an application in writing being made for the purpose by the landlord or tenant, and, if not paid within fourteen days after the amount is agreed or determined, shall be recoverable upon order made by the county court as money ordered to be paid by a county court under its ordinary jurisdiction, is recoverable.

(2) The proper charges of the valuer for the valuation shall be borne by the landlord and tenant in such proportion as the valuer shall direct, but be recoverable by the valuer from either of the parties and any amount paid by either of the parties in excess of the amount (if any) directed by the valuer to be borne by him shall be recoverable from the other party and may be deducted from any compensation payable to such party.

Application to Crown lands.

7. The foregoing provisions of this Act shall not apply to any land of which possession was taken by or on behalf of any Government department under the enactments relating to the Defence of the Realm or the regulations made thereunder and possession of which has been continued by virtue of any enactment, or to any land forming part of a royal park; but, save as aforesaid, the foregoing provisions of this Act shall apply to land vested in His Majesty in right of the Crown or the Duchy of Lancaster, and to land forming part of the possessions of the Duchy of Cornwall, and, except as otherwise

hereinbefore expressly provided, to land vested in any Government department for public purposes.

Amendment of statutory provisions as to compulsory acquisition of land for allotments. 9 & 10 Geo. 5. c. 59. 8 Edw. 7. c. 36.

8.—(1) The period during which an order for the compulsory acquisition of land for allotments is, under section one of the Land Settlement (Facilities) Act, 1919, exempted from the requirement of submission to and confirmation by the Minister is hereby extended to the thirty-first day of December, nineteen hundred and twenty-two.

(2) The restrictions imposed by section forty-one of the Small Holdings and Allotments Act, 1908, on the compulsory acquisition of land which has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking shall not apply to the hiring of land by a council of a borough or urban district or by the council of a county to whom the powers and duties of a borough or urban district council have been transferred under the provisions of subsection (2) of section twenty-four of the Small Holdings and Allotments Act, 1908, for the purpose of providing allotment gardens:

Provided that every such hiring shall be subject to a condition enabling—

(*a*) the corporation or company to resume possession of the land when required by the corporation or company for the purpose (not being the use of land for agriculture) for which it was acquired by the corporation or company; and

(*b*) nothing in this subsection shall prejudice the protection given by the said section forty-one to land which is the property of a local authority.

(3) Notwithstanding anything contained in any other enactment, counsel shall not be heard in any arbitration under this Act or as to compensation payable for land acquired for allotments under the Allotments Acts unless the Minister otherwise directs.

(4) No land shall be authorised by an order under the Allotments Acts to be hired compulsorily for the purposes of allotments which at the date of the order is pasture land if it is proved to the satisfaction of the Minister that arable land which is equally suitable for the purpose of allotments to the pasture land proposed to be compulsorily hired is reasonably available for hiring by the council.

(5) Paragraph 2 (*b*) of Part II. of Schedule I. to the Small Holdings and Allotments Act, 1908 (which restricts the breaking up of pasture compulsorily hired) shall not apply to land compulsorily hired for the provision of allotment gardens.

Purchase of land for fee-farm rents.

9. The provisions of the Small Holdings and Allotments Acts, 1908 to 1919, enabling grants of land to be made to a county council for the purposes of small holdings at fee farm and other rents, and authorising a county council to covenant to pay any such rent, shall apply with the necessary adaptations to the acquisition of land by the council of a borough or urban district for the purpose of providing allotments.

Powers of entry on unoccupied land.

10.—(1) The council of a borough or urban district, or the council of a county to whom the powers and duties of a borough or urban district council have been transferred under the provisions of subsection (2) of section twenty-four of the Small Holdings and Allotments Act, 1908, may, after giving such notice of intention to enter as is hereinafter provided—

(*a*) enter upon any land to which this section applies for the purpose of providing allotment gardens thereon;

(*b*) adapt any such land for use for such purpose;

(*c*) let any such land for use by the tenant as an allotment garden or to any association (being an association to which land may be let by the council under the Small Holdings and Allotments Acts, 1908 to 1919) for the purpose of sub-letting for such use, but so that any tenancy created by the council shall terminate at the date when the right of occupation of the council is terminated under this section;

(*d*) on the termination of such occupation remove any erection or work of adaptation making good any injury to the land caused by such removal.

(2) Before entry under this section, the council shall give not less than fourteen days' notice in writing to the owner of the land, in such manner as notices may be given to an owner under the regulations for the time being applicable to compulsory hiring of land under the Allotments Acts.

(3) The right of occupation of the council may be terminated—

(*a*) by not less than six months' notice in writing to that effect given by the council to the owner in manner aforesaid, and expiring on or before the sixth day of April, or on or after the twenty-ninth day of September in any year; or

(*b*) by not less than two months' notice in writing given by the owner to the council in any case where the land is required for any purpose other than the use of the land for agriculture.

(4) A tenant to whom land is let by a council under this section and whose tenancy is terminated by the termination of the right of occupation of the council shall, unless otherwise agreed in the contract of tenancy, be entitled to recover from the council such compensation (if any) as would have been recoverable if his tenancy had been terminated by notice to quit given by the council, and have the same right to remove his crops as if the tenancy had been so terminated.

(5) Any person who is interested in any land on which entry is made by the council under this section, and who suffers any loss by reason of the exercise of the powers conferred by this section shall, if he makes a claim not later than one year after the termination of the right of occupation, be entitled to be paid by the council such amount or amounts by way of periodical payments or otherwise as may represent the loss, and such amount or amounts shall in default of agreement be determined by a valuation made by a person appointed, in default of agreement, by the Minister:

Provided that a periodical payment of compensation in the nature of rent shall not exceed the rental value of the land as defined by this section.

(6) This section applies to—

(*a*) land which at the date of the notice of intended entry is not the subject of a rateable occupation; or

(*b*) land of which at the date of the notice of intended entry the Minister is in possession by himself or any person deriving title under him under the provisions of section one of the Defence of the Realm (Acquisition of Land) Act, 1916, as explained by section thirty of

6 & 7 Geo. 5. c. 63.

the Land Settlement (Facilities) Act, 1919, and which when possession thereof was first taken under the Defence of the Realm Regulation was not the subject of a rateable occupation;

except land being the property of a local authority or land which has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, or forming part of any metropolitan common within the meaning of the Metropolitan Commons Act, 1866, or any land which is subject, or might be made subject, to regulation under an order or scheme made in pursuance of the Inclosure Acts, 1845 to 1899, or under any local Act or otherwise, or land which is or forms part of any town or village green, or any area dedicated or appropriated as a public park, garden, or pleasure ground, or for use for the purposes of public recreation, or land forming part of the New Forest (as defined in the New Forest Act, 1877), or of the trust property to which the National Trust Act, 1907, applies.

29 & 30 Vict. c. 122.

40 & 41 Vict. c. cxxi. 7 Edw. 7. c. cxxxvi.

(7) For the purposes of this section—

The expression "rental value" means the annual rent which a tenant might reasonably be expected to pay for the land if the land had continued in the same condition as at the date when entry was made under this section, or at the date when possession thereof was so first taken as aforesaid, as the case may be.

The expression "rateable occupation" means such occupation as would involve liability to payment of the poor rate or any rate leviable in like manner as the poor rate.

The expression "owner" includes the person who, but for the occupation of the council, would be entitled to the possession of the land.

Determination of questions arising on resumption of land.

11.—(1) Where land has been let to a local authority or to an association for the purpose of being sub-let for use as allotment gardens, or is occupied by a council under the powers of entry conferred by this Act, and the landlord, or the person who but for such occupation would be entitled to the possession of the land, proposes to resume possession of the land in accordance with the provisions of this Act for any particular purpose, notice

in writing of the purpose for which resumption is required shall be given to the local authority or association.

(2) The local authority or association may, by a counter notice served within ten days after receipt of such notice on the person requiring possession, demand that the question as to whether resumption of possession is required in good faith for the purpose specified in the notice shall be determined by arbitration under and in accordance with the provisions of the Second Schedule to the Agricultural Holdings Act, 1908.

(3) Possession of the land shall not be resumed until after the expiration of the said period of ten days or the determination of such question as aforesaid where such determination is demanded under this section.

(4) This section shall not apply to any case where resumption of possession is required by a corporation or company being the owners or lessees of a railway, dock, canal, water, or other public undertaking.

Time limit for serving notice to treat for compulsory acquisition of land.

12.—(1) Where an order has been made for the compulsory acquisition of any land and notice to treat thereunder is not served by the acquiring authority within three calendar months after the date of the said order, or where confirmation of the said order is necessary, then after the date of the confirmation thereof the order so far as it relates to land in respect of which notice to treat has not been so served shall become null and void.

(2) Where an order has so become null and void as respects any land, no order authorising the compulsory acquisition of that land or any part of such land shall, if made within three years after the expiration of the said three calendar months, be valid, unless confirmed by the Minister, or be so confirmed, unless it is proved to the satisfaction of the Minister that there are special reasons justifying the failure to exercise the powers under the original order and the making of the order submitted for confirmation.

Restriction of obligations of urban authorities to provide allotments.

13. The obligation of a council of a borough or urban district under the Allotments Acts to provide allotments shall, if the population thereof is ten thousand or upwards, be limited to the provision of allotment gardens not exceeding twenty poles in extent.

Allotment committees of urban authorities.

14.—(1) The council of every borough or urban district with a population of ten thousand or upwards shall, unless exempted by the Minister, after consultation

with the Minister of Health, from the provisions of this section, establish an allotments committee, which may be an existing committee of the council or a sub-committee of an existing committee and all matters relating to the exercise and performance by the council of their powers and duties under the Allotments Acts as respects the provision of allotment gardens (except the power of raising a rate or borrowing money) shall stand referred to such committee, and the council before exercising any such powers shall, unless in their opinion the matter is urgent, receive and consider the report of the committee with respect to the matter in question, and the council may delegate to the committee, with or without restrictions, any of their said powers except as aforesaid.

(2) An allotments committee established under this section shall comprise persons, other than members of the council, being persons experienced in the management and cultivation of allotment gardens and representative of the interests of occupiers of allotment gardens in the borough or district, provided that the number of such representative members shall be not more than one-third of the total number of the members of the committee or be less than two or one-fifth of such total number whichever be the larger number.

(3) The accounts of any receipts or payments by or to a committee under powers delegated under this section shall be accounts of the council and made up and audited accordingly.

(4) In the case of a county borough, the council may appoint their small holdings committee, if constituted so as to comply with the provisions of this section, to be their allotment committee under this section.

Power for county councils to let land for allotments.

15. A county council may let land acquired or appropriated by the council for small holdings for cultivation as an allotment, or to a local authority or association, being an association to which land may be let by a council under the Small Holdings and Allotments Acts, 1908 to 1919, for the purpose of being sub-let for such use: Provided that this section shall not be deemed to authorise a council to let any land held by the council under a contract of tenancy or the use of any land so held in contravention of any term or condition of the contract.

Limitation on expenditure on allotments and rents to be charged.

16.—(1) A council shall not take any proceedings under the provisions of the Allotments Acts relating to allotments, unless in the opinion of the council the expenses of the council incurred under those provisions (other than such expenses as are hereinafter specified) may reasonably be expected, after the proceedings are taken, to be defrayed out of the receipts of the council under those provisions.

(2) For the purposes of this section, expenses and receipts shall be calculated in such manner as the Minister of Health may direct, and shall include expenses and receipts in respect of land acquired whether before or after the passing of this Act:

Provided that such expenses shall not include—

(*a*) expenses in relation to the acquisition of land other than the purchase price or rent, or other compensation payable in respect of the land;

(*b*) expenses incurred in making roads to be used by the public;

(*c*) sinking fund charges in respect of loans raised in connection with the purchase of land.

(3) Land let by a council under the Allotments Acts for use as an allotment shall be let at the full fair rent for such use and not more than a quarter's rent (except where the yearly rent is twenty shillings or less) shall be required to be paid in advance.

Rating of allotments.

17.—(1) A council providing land for allotments whether under the Allotments Acts or otherwise may, by notice to the authority by which any rate is levied, require that the council shall be assessed to the rate as the occupiers of the land notwithstanding that the land or part thereof may be let, and in such case the council shall, for the purposes of any rate levied by that authority and made after the notice is given and before the notice is withdrawn, be deemed to be the occupiers of the land.

(2) The foregoing subsection shall apply to an association providing land for allotments in like manner as it applies to a council, if at the request of the association the authority by which a rate is levied agrees that it shall so apply.

Financial provisions.

18.—(1) The maximum period for the repayment of money borrowed by the council of a borough or urban district or parish under the Allotments Acts shall, where the purpose for which the money is borrowed is the purchase of land for allotments, be eighty years, and the provisions of subsection (2) of section fifty-two of the Small Holdings and Allotments Act, 1908, relating to loans by the Public Works Loan Commissioners for small holdings shall extend to money borrowed by any such council for the purpose of providing allotments.

(2) Money borrowed by a council for the purpose of providing allotments shall not be reckoned as part of the total debt of the council for the purpose of any enactment limiting the powers of borrowing by the council.

Penalty for damage to an allotment garden.

19.—(1) Any person who by any act done without lawful authority or by negligence causes damage to any allotment garden or any crops or fences or buildings thereon shall be liable on summary conviction to a penalty not exceeding five pounds, but this provision shall not apply unless notice of this provision is conspicuously displayed on or near the allotment garden.

(2) Subsection (4) of section twenty-one of the Land Settlement (Facilities) Act, 1919, is hereby repealed.

Action in default of certain local authorities.

20. If it appears to the Minister, in relation to the London County Council or the council of any county borough or Metropolitan borough, after holding a local inquiry at which the council, and such other persons as the person holding the inquiry, may, in his discretion, think fit to allow, shall be permitted to appear and be heard, that the council have failed to satisfy to the extent to which it is reasonably practicable, having regard to the provisions of the Allotments Acts, the demand for allotment gardens to be provided by the council the Minister may, by order, transfer to the Small Holdings Commissioners all or any of the powers of the council relating to the provision of allotment gardens and the provisions of section twenty-four of the Small Holdings and Allotments Act, 1908, shall apply as if references to the Commissioners were substituted for references to the county council and with such other adaptations as may be made by the order.

Provision as to parts of New Forest now used for allotment gardens.

21.—(1) Notwithstanding anything in any other Act, the Commissioners of Woods may let for any term to a local authority under the Allotments Acts, and the local authority may take for the purpose of providing

allotment gardens any land in the Forest (as defined in the New Forest Act, 1877) which is vested in His Majesty and was on the fifth day of April, nineteen hundred and twenty-two, being used for the provision of allotment gardens, and, with the consent of the Minister, such further land in the forest not exceeding sixty acres, as may be agreed between the Commissioners of Woods and the Verderers of the Forest:

Provided that, if at any time any land so let is used for any purpose other than the provision of allotment gardens, the lease shall become void and the land shall revert to His Majesty and be held in the same manner as it was held before its use for the provision of allotment gardens and subject to the same rights and liabilities so far as practicable.

(2) While a lease under this section has effect any land let thereunder shall be free from all rights of common and all other similar rights and privileges except the right of the public to use any highway on the land.

(3) Any rent received by the Commissioners under the lease shall be divisible between the Commissioners and the Verderers of the Forest in such proportions as may be agreed, or, in default of agreement, may be determined by the arbitration of a single arbitrator under the Arbitration Act, 1889, and the proportion received by the Verderers shall be applied as money received by the Verderers under the New Forest Act, 1877.

52 & 53 Vict. c. 49.

(4) Any inclosure under the Poor Relief Act, 1831, or any amending Act, of land in the forest made after the passing of this Act shall be void.

1 & 2 Will. 4. c. 42.

Interpretation.

22.—(1) For the purposes of this Act, where the context permits—

The expression "allotment garden" means an allotment not exceeding forty poles in extent which is wholly or mainly cultivated by the occupier for the production of vegetable or fruit crops for consumption by himself or his family;

The expression "landlord" means in relation to any land the person for the time being entitled to receive the rents and profits of the land;

The designations of landlord and tenant shall continue to apply to the parties until the conclusion of any proceedings taken under this

Act in respect of compensation and shall include the legal personal representative of either party;

The expression "council" shall, in the case of a rural parish not having a parish council, mean the parish meeting;

The expression "industrial purpose" shall not include use for agriculture or sport, and the expression "agriculture" includes forestry, horticulture, or the keeping and breeding of livestock;

The expression "the Allotments Acts" means the provisions of the Small Holdings and Allotments Acts, 1908 to 1919, which relate to allotments and this Act;

The expression "Minister" means the Minister of Agriculture and Fisheries;

The expression "borough" includes a metropolitan borough;

The expression "sinking fund charges" includes any charges for the repayment of loans whether by means of a sinking fund or otherwise.

(2) For the purposes of this Act, references to population shall be construed as references to population according to the published returns of the last census for the time being.

(3) Compensation recoverable by a tenant under this Act for crops or other things shall be based on the value thereof to an incoming tenant.

(4) Where land is used by the tenant thereof as an allotment garden, then, for the purposes of this Act, unless the contrary is proved—

(*a*) the land shall be deemed to have been let to him to be used by him as an allotment garden; and

(*b*) where the land has been sublet to him by a local authority or association which holds the land under a contract of tenancy, the land shall be deemed to have been let to that authority or association for the purpose of being sub-let for such use as aforesaid.

(5) The powers conferred by this Act on a council of a borough, may, in London, be exercised by the London County Council.

(6) For removing doubts, it is hereby declared that the expression "holding" in the Agricultural Holdings Act, 1908, and in the Agricultural Land Sales (Restriction of Notices to Quit) Act, 1919, does not include any allotment garden or any land cultivated as a garden unless it is cultivated wholly or mainly for the purpose of the trade or business of market gardening.

9 & 10 Geo. 5. c. 63.

Short title, commencement, and repeal.

23.—(1) This Act may be cited as the Allotments Act, 1922, and the provisions of the Small Holdings and Allotments Acts, 1908 to 1919, which relate to allotments and this Act may be cited together as the Allotments Acts, 1908 to 1922.

(2) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

(3) This Act shall not apply to Scotland or Ireland.

Section 23.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
8 & 9 Vict. c. 118.	The Inclosure Act, 1845.	In section one hundred and ten from "Provided" to the end of the section.
50 & 51 Vict. c. 26.	The Allotments and Cottage Gardens Compensation for Crops Act, 1887.	The whole Act.
53 & 54 Vict. c. 57.	The Tenants Compensation Act, 1890.	The whole Act.
8 Edw. 7. c. 36.	The Small Holdings and Allotments Act, 1908.	Subsection (3) of section twenty-five. Subsection (1) of section twenty-seven, in section thirty the proviso to subsection (2).
10 & 11 Geo. 5. c. 76.	The Agriculture Act, 1920.	Section eleven.

CHAPTER 52.

An Act to amend the Law relating to Allotments in Scotland. [4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Termination of tenancies of allotment gardens.

1.—(1) Where land is let by a local authority, an association, or any other person, for use by the tenant as an allotment garden, the tenancy of the land or any part thereof shall not (except as hereinafter provided) be terminable by the lessor by notice to remove or by resumption of possession, notwithstanding any agreement to the contrary, except by—

(*a*) a six months' or longer notice in writing to remove expiring on or before the first day of May or on or after the first day of November in any year; or

(*b*) resumption of possession after three months' or longer notice in writing to the tenant, under a power of resumption contained in or affecting the lease, on account of the land being required for building, mining, or any other industrial purpose, or for roads or sewers necessary in connection with any of those purposes; or

(*c*) resumption of possession under a power of resumption of possession contained in the lease in the case of land let by a corporation or company being the owners or lessees of a railway, dock, canal, water, or other public undertaking on account of the land being required by the corporation or company for any purpose (not being the use of land for agriculture) for which it was acquired or held by the corporation or company, or appropriated under any statutory provision, or in the case of land let by a local authority within the meaning of the Housing (Scotland) Acts, 1890 to 1921 (being land which was acquired by the local

authority under those Acts before the date of the passing of this Act), on account of the land being required by the local authority for the purposes of those Acts; or

(*d*) resumption of possession on account of any irritancy of the lease by the tenant or any breach by the tenant of the regulations made by a local authority under the Allotments Acts.

(2) Where land is let to a local authority or to an association for the purpose of being sub-let for use as allotment gardens, this section shall apply to the tenancy of the authority or association as well as to the tenancies of the sub-tenants.

(3)—(*a*) This section shall apply to a tenancy current at the date of the passing of this Act, but not so as to affect the operation of any notice to remove given, possession resumed, or proceedings for resumption commenced before that date.

(*b*) Where under any lease entered into before the date of the passing of this Act a tenancy to which this section applies is either by express provision or by implication made terminable by the lessor by notice to remove expiring on a date between the first day of May and the first day of November, the tenancy shall be terminable by him on the first day of November, and any such notice to remove given in accordance with the lease shall have the effect of a notice to remove on that date.

(4) This section shall not apply to land held by or on behalf of the Admiralty, War Department, or Air Council, and so let as aforesaid, when possession of the land is required for naval, military or air force purposes.

Compensation on removing from allotment gardens

2.—(1) Where land is let by a local authority, an association, or any other person for use by the tenant as an allotment garden, the tenant shall, subject to the provisions of this section and notwithstanding any agreement to the contrary, be entitled at the termination of the tenancy, on removing from the land, to recover from the lessor compensation for crops growing upon the land in the ordinary course of the cultivation of the land as an allotment garden, and for manure applied to the land such compensation to be based on the value of the growing crops and manure to an incoming tenant.

(2) A tenant whose tenancy is terminated by the termination of the tenancy of his lessor shall be entitled to recover from his lessor such compensation (if any) as would have been recoverable if his tenancy had been terminated by notice of removal given by his lessor.

(3) Compensation under this section shall be recoverable only if the tenancy is terminated by the lessor and terminated, either—

(*a*) between the first day of May and the first day of November; or

(*b*) by resumption of possession at any time under paragraph (*b*) or paragraph (*c*) of subsection (1) of the immediately preceding section of this Act.

(4) Where under any lease entered into after the date of the passing of this Act land is let to a local authority or to an association for the purpose of being sub-let for use as allotment gardens, this section shall, except so far as is otherwise provided by the lease, apply not only to the tenancy of the sub-tenants but also to the tenancy of the local authority or association and that notwithstanding that the crops have been grown and the manure applied by the sub-tenants.

(5) This section shall apply to a tenancy (other than the tenancy of a local authority or association) current at the date of the passing of this Act, but not so as to affect the operation of any notice to remove given, possession resumed, or proceedings for resumption commenced before that date.

(6) This section shall apply to the termination of the tenancy of the whole or any part of the land the subject of a lease.

(7) Except as provided by this section or by the lease, the tenant of land under a tenancy to which this section applies shall not be entitled to recover compensation from the lessor at the termination of the tenancy, and the provisions of the Agricultural Holdings (Scotland) Acts, 1908 to 1921, relating to compensation shall not apply to any tenancy to which this section applies.

(8) The tenant of any land under a tenancy to which this section applies may, before the termination of the tenancy, remove any fruit trees or bushes provided and planted by the tenant and any erection, fencing, or

other improvement erected or made by the tenant, making good any injury caused by such removal.

(9)—(*a*) The compensation under this section from the lessor on the termination of a tenancy to which this section applies, and such further compensation (if any) as is recoverable from the lessor under the lease, shall, in default of agreement, be determined by an arbiter appointed in default of agreement by the sheriff having jurisdiction in the place where the allotment garden is situated upon an application by letter from either or any of the parties addressed to the sheriff clerk.

(*b*) Any such agreement or determination with respect to compensation may, if any sum payable thereunder is not paid within fourteen days from the date of the agreement or determination, be competently recorded for execution in the books of council and session or sheriff court books, and shall be enforceable in like manner as a recorded decree arbitral.

(*c*) The proper expenses of the arbitration shall be borne by such of the parties or by the parties in such proportions as the arbiter shall direct, but be recoverable by the arbiter from any of the parties, and any amount paid by any of the parties in excess of the amount (if any) directed by the arbiter to be borne by him shall be recoverable from the other party or parties and may be deducted from any compensation payable to such party or parties.

(10) This section shall not apply to any tenancy which has terminated before the date of the passing of this Act, or where a notice to remove has been given, or possession has been resumed, or proceedings for resumption have been commenced before that date.

(11) For the purposes of this section, and the immediately preceding section of this Act—

(*a*) Where a tenancy comes to an end at the expiry of the stipulated endurance of the lease or at the expiry of any renewal of the lease by tacit relocation, the tenancy shall not be deemed to be terminated by the lessor by reason only of any notice given by the lessor to the tenant in order to prevent renewal or further renewal of the lease by tacit relocation:

(*b*) Where land is let to a local authority or association and is sub-let by the authority or association, notice from the lessor to the authority or association shall have effect also as notice at the same time to every sub-tenant of the authority or association affected thereby, but it shall be the duty of the authority or association forthwith to serve by post intimation of the notice upon each such sub-tenant.

Application to Crown lands.

3. The foregoing provisions of this Act shall not apply to any land of which possession was taken by or on behalf of any Government department under the enactments relating to the Defence of the Realm or the regulations made thereunder, and possession of which has been continued by virtue of any enactment, or to any land forming part of a royal park; but, save as aforesaid, the foregoing provisions of this Act shall apply to lands vested in His Majesty in right of the Crown, and, except as otherwise hereinbefore in this Act expressly provided, to land vested in any Government department for public purposes.

Rights of tenant who has paid compensation to outgoing tenant.

4. Where a tenant of an allotment has paid compensation to an outgoing tenant for any fruit trees or bushes or other improvement, he shall have the same rights to removal or compensation as he would have had under the Allotments Acts if the trees or bushes had been provided and planted or the improvement had been made by him.

Restriction on tenancy of allotment gardens.

5. A local authority may let to one person two or more allotment gardens if their aggregate extent does not exceed forty poles, but, save as aforesaid, one person shall not hold more than one allotment garden provided by a local authority and an allotment garden so provided shall not be sub-let.

Provisions relating to land leased for allotments.

6.—(1) Where land is acquired on lease by a local authority for use as allotments—

(*a*) The local authority may let to one person an allotment or allotments (not being an allotment garden or allotment gardens) exceeding one acre, but, if the land is taken on lease compulsorily, either not exceeding in the whole four acres of pasture, or one acre of arable and

three acres of pasture, or not exceeding four pounds in annual value:

(*b*) The local authority may permit to be erected on an allotment (not being an allotment garden) a stable, byre or barn: Provided that such stable byre or barn shall not, unless erected with the assent in writing of the landlord, be the subject of compensation, but may be removed by the tenant on the termination of the tenancy:

(*c*) The local authority shall not, without the assent in writing of the landlord, break up or permit to be broken up any permanent pasture on the land acquired on lease, unless entitled by the lease so to do: Provided that, in the case of land so acquired after the date of the passing of this Act, the Board may authorise the local authority without such assent to break up or permit to be broken up permanent pasture thereon, if the Board are satisfied that no other land equally suitable for allotments is reasonably available:

(*d*) If the land acquired on lease shall, at any time during the tenancy thereof by the local authority, be shown to the satisfaction of the Board to be required by the landlord for the purpose of working and winning the mines, minerals, or surface minerals thereunder, or for feuing for building, or for any road or work to be used in connection with such working or winning or feuing, it shall be lawful for the landlord of such land to resume possession thereof upon giving to the local authority twelve months' previous notice in writing of his intention so to do, and upon such resumption the landlord shall pay to the authority and to the holders of allotments on the land for the time being such compensation for loss sustained by them respectively and arising directly from such resumption as may be agreed between the landlord and the authority, or in default of agreement determined under and in accordance with the provisions of the Second Schedule to the Agricultural Holdings (Scotland) Act, 1908;

8 Edw. 7 c. 64.

Where land is let to a local authority for the purpose of being sub-let for use as allotment

gardens, the foregoing provision shall have effect subject to the provisions of this Act relating to the termination of tenancies of allotment gardens and to compensation on removing therefrom, and to determination of questions arising on resumption of land:

(*e*) In this subsection the word "landlord" means the person for the time being entitled to receive the rent of the land acquired on lease by the local authority.

(2) Where land is acquired by a local authority for use as allotments under an order for the compulsory leasing of the land—

(*a*) The lease shall be for a period of not less than ten nor more than thirty-five years:

(*b*) On the termination of the tenancy of the local authority, the compensation (if any) due by the landlord for improvements, or by the authority for depreciation, shall be determined, in default of agreement, by arbitration under and in accordance with the provisions of the Second Schedule to the Agricultural Holdings (Scotland) Act, 1908:

(*c*) The order shall not authorise the compulsory taking on lease of any mines or minerals, or confer the right to take, sell, or carry away any stone, gravel, sand, or clay:

(*d*) The paragraphs set out in the Second Schedule to this Act shall be substituted for paragraph (*b*) of provision (6) of the First Schedule to the Act of 1919.

(3) Nothing in the Allotments Acts contained shall authorise a local authority to acquire on lease for use as allotments any land which is already owned or occupied as a small holding within the meaning of the Small Holdings Act, 1892, or under the Small Landholders (Scotland) Acts, 1886 to 1919. 55 & 56 Vict. c. 31.

(4) The Board shall, in their annual report, include a statement of any proceedings under this section.

Provisions relating to common pasture.

7. Where a local authority are satisfied that having regard to the wants and circumstances of the population of the burgh or parish it is desirable to acquire land for

affording common pasture, the authority may, subject to the provisions of this section, by purchase or leasing, acquire land suitable for that purpose whether within or without the burgh or parish, and the provisions of the Allotments Acts shall, so far as applicable in that behalf and with the necessary modifications, apply as if the word "allotments" in those Acts included common pasture, and as if the word "rent" included a charge for turning out an animal:

Provided that—

(*a*) The regulations made by the local authority under the Allotments Acts may extend to regulating the turning out of animals on the common pasture, to defining the persons (being persons resident within the burgh or parish) entitled to turn them out, the number of animals to be turned out, and the conditions under which animals may be turned out, and fixing the charges to be made for each animal, and otherwise to regulating the common pasture:

(*b*) The land acquired by a local authority by compulsory leasing for common pasture and held by the authority for that purpose at any one time shall not exceed twenty acres.

Amendment of statutory provisions as to compulsory acquisition of land for allotments.

8.—(1) Notwithstanding anything contained in any other enactment, counsel shall not be heard in any arbitration under the Allotments Acts, or as to compensation payable for lands acquired for allotments under those Acts, unless the Board otherwise direct.

(2) So much of subsection (1) of section two of the Act of 1892 as requires that a local authority before acquiring land for allotments shall be of opinion that such allotments cannot be obtained at a reasonable rent and on reasonable conditions by voluntary arrangement between the owners of land suitable for such allotments and the applicants for the same, shall cease to have effect.

(3) For section twenty of the Act of 1919 (which relates to land for allotments) there shall be substituted the following section:—

"(1) If a local authority are unable by agreement to acquire by purchase suitable land for allotments at a reasonable price, the authority may

apply to the Board for an order providing for the compulsory acquisition of such land by purchase:

"(2) If a local authority are unable by agreement to obtain on lease suitable land for allotments at a reasonable rent and subject to reasonable conditions, the authority may apply to the Board for an order providing for the compulsory acquisition of such land by leasing: Provided that, in the case of land which has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, such leasing shall be subject to a condition enabling the corporation or company to resume possession of the land when required by the corporation or company for the purpose (not being the use of land for agriculture) for which it was so acquired:

"(3) For the purposes of any application under this section, the provisions of the First Schedule to this Act shall have effect."

Establishment of allotments committee.

9.—(1) The council of any burgh with a population of ten thousand or upwards shall, unless exempted by the Board from the provisions of this section, establish an allotments committee, and all matters relating to the exercise and performance by the council of their powers and duties under the Allotments Acts as respects the provision of allotment gardens (except the power of raising a rate or borrowing money) shall stand referred to such committee, and the council before exercising any such powers shall, unless in their opinion the matter is urgent, receive and consider the report of the committee with respect to the matter in question, and the council may delegate to the committee, with or without restrictions, any of their said powers except as aforesaid.

(2) An allotments committee established under this section shall comprise persons other than members of the council, representative of the interests of occupiers of allotment gardens in the burgh, and being themselves occupiers of such allotment gardens provided that the number of such representative members shall not be more than one-third or less than two or one-fifth of the

total number of the members of the committee, whichever be the larger number.

(3) The accounts of any receipts or payments by or to a committee under powers delegated under this section shall be accounts of the council and made up and audited accordingly.

Powers of entry on unoccupied land.

10.—(1) A town council or parish council may, after giving such notice of intention to enter as is hereinafter provided—

(*a*) enter upon any unoccupied land for the purpose of providing allotment gardens thereon;

(*b*) adapt any such land for use for such purpose;

(*c*) let any such land for use by the tenant as an allotment garden, or to any association for the purpose of sub-letting for such use, but so that any tenancy created by the council or by the association shall terminate at the date when the occupation of the council is terminated under this section;

(*d*) on the termination of such occupation remove any erection or work of adaptation, making good any injury to the land caused by such removal.

(2) Before entry under this section the council shall give not less than fourteen days' notice in writing to the owner of the land in such manner as notices may be given to an owner under regulations for the time being in force with respect to the compulsory leasing of land under the Allotments Acts.

(3) The right of occupation of the council may be terminated—

(*a*) by not less than six months' notice in writing to that effect given by the council to the owner in manner aforesaid, and expiring on or before the first day of May, or on or after the first day of November in any year; or

(*b*) by not less than one month's notice in writing given by the owner to the council in any case where the land is required for any purpose other than the use of the land for agriculture.

(4) A tenant to whom land is let by a council or association under this section, and whose tenancy is

terminated by the termination of the right of occupation of the council, shall, unless otherwise agreed in the lease, be entitled to recover from the council or association, as the case may be, such compensation (if any) as would have been recoverable if his tenancy had been terminated by notice to remove given by the council or association, as the case may be, and have the same rights with respect to the removal of fruit trees or bushes or improvements as if his tenancy had been so terminated.

(5) Any person who is interested in any land on which entry is made by a council under this section, and who suffers any loss by reason of the exercise of the powers conferred by this section, shall, if he makes a claim not later than one year after the termination of the right of occupation, be entitled to be paid by the council such amount as may represent the loss; and such amount shall, in default of agreement, be determined by an arbiter appointed in default of agreement by the Board: Provided that such amount may be paid by the council by way of periodical payments to be determined as aforesaid and that a periodical payment of compensation in the nature of rent shall not exceed the rental value of the land as defined by this section.

(6) For the purposes of this section, the expression "unoccupied land" means land in respect of which no person is entered as tenant or occupier in the valuation roll in force at the date of the notice of intended entry and which has not been let and occupied subsequent to the making up of the valuation roll, and before the date of the notice.

The expression "rental value" means the annual rent which a tenant might reasonably be expected to pay for the land if the land had continued in the same condition as at the date when entry was made under this section.

(7) This section shall not apply to land which has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking or to land which is or forms part of any area dedicated or appropriated as a public park, garden, or pleasure ground, or for use for the purposes of public recreation.

Determination of questions arising on

11.—(1) Where land has been let to a local authority or to an association for the purpose of being sub-let for use as allotment gardens, or is occupied by a council under

resumption of land.

the powers of entry conferred by this Act, and the lessor, or the person who but for such occupation would be entitled to the possession of the land, proposes, in accordance with the provisions of this Act, to resume possession of the land for any particular purpose, notice in writing of the purpose for which resumption is required shall be given to the local authority or association or council.

(2) The local authority or association or council may, by a counter notice served within ten days after receipt of such notice on the person requiring possession, demand that the question as to whether resumption of possession is required in good faith for the purpose specified in the notice shall be determined by arbitration under and in accordance with the provisions of the Second Schedule to the Agricultural Holdings (Scotland) Act, 1908.

(3) Possession of the land shall not be resumed until after the expiration of the said period of ten days or the determination of such question as aforesaid where such determination is demanded under this section.

(4) This section shall not apply to any case where resumption of possession is required by a corporation or company being the owners or lessees of a railway, dock, canal, water, or other public undertaking.

Restriction of obligation of town councils to provide allotments.

12. The obligation of a town council under the Allotments Acts to provide allotments shall, if the population thereof is ten thousand or upwards, be limited to the provision of allotment gardens not exceeding twenty poles in extent.

Time limit for serving notice to treat for compulsory acquisition of land.

13.—(1) Where under the Allotments Acts an order has been made for the compulsory acquisition of any land, and notice to treat thereunder is not served by the acquiring authority within three months after the making of the said order, then the order, so far as it relates to land in respect of which notice to treat has not been so served, shall become null and void.

(2) Where an order has so become null and void as respects any land, no order authorising the compulsory acquisition of that land or any part of such land shall be made within three years after the expiration of the said three months, unless it is proved to the satisfaction of the Board that there are special reasons justifying the failure to exercise the powers under the original order.

Power to Board to let land for allotments.

14. The Board may let land acquired by the Board for small holdings for use by the tenant as an allotment, or to a local authority or association for the purpose of being sub-let for such use.

Access to allotments.

15. It shall be the duty of a local authority providing allotments to make provision for access thereto by suitable roads or paths, where such means of access are not already available, and by regulations made under the Allotments Acts to require that access to the allotments shall be had only by such roads or paths.

Limitation on expenditure on allotments and rents to be charged.

16.—(1) A local authority shall not take any proceedings under the provisions of the Allotments Acts relating to allotments unless in the opinion of the authority the expenses of the authority incurred under those provisions (other than such expenses as are hereinafter specified) may reasonably be expected after the proceedings are taken to be defrayed out of the receipts of the authority under those provisions.

(2) For the purposes of this section, expenses and receipts shall include expenses and receipts in respect of land acquired whether before or after the passing of this Act, and shall be calculated in such manner as in the case of a town council the Secretary for Scotland, and in the case of a parish council the Scottish Board of Health may direct:

Provided that such expenses shall not include—

(*a*) expenses in relation to the acquisition of land other than the price, feu duty, ground annual, or rent, or other compensation payable in respect of the land;

(*b*) expenses incurred in making roads to be used by the public;

(*c*) sinking fund charges in respect of loans raised in connection with the purchase of land.

(3) Land let by a local authority under the Allotments Acts for use as an allotment shall be let at the fair rent for such use, and not more than a quarter's rent (except where the yearly rent is twenty shillings or less) shall be required to be paid in advance.

Rating of allotments.

17.—(1) A local authority providing land for allotments may, with respect to any assessment imposed and levied by such local authority, resolve, and with respect to any assessment imposed and levied by any other authority, by notice to that authority, require, that the local authority providing the land

shall, with respect to such assessment, be deemed to be the occupiers of the land, notwithstanding that the land or part thereof may be let, and in such case that local authority shall for the purposes of such assessment be deemed to be the occupiers of the land until the resolution is revoked, or the notice is withdrawn, as the case may be.

(2) The foregoing subsection shall apply to an association providing land for allotments with respect to any assessment in like manner as it applies to a local authority so providing land with respect to an assessment imposed and levied by another authority, if at the request of the association the authority by whom the assessment is imposed and levied agree that it shall so apply.

55 & 56 Vict. c. 55.

(3) For removing doubts as to the effect of section three hundred and forty-seven of the Burgh Police (Scotland) Act, 1892 (which relates to the valuation of arable lands, &c.), it is hereby declared that the expression "ground used for nurseries, market gardens, or for agricultural purposes" occurring in that section shall be deemed to include ground used for allotments.

Financial provisions

18.—(1) The maximum period for the repayment of money borrowed by a local authority under the Allotments Acts shall, notwithstanding any other enactment, where the purpose for which the money is borrowed is the purchase of land for allotments, be eighty years.

(2) Money borrowed by a local authority for the purpose of providing allotments shall not be reckoned as part of the total outstanding debt of the authority for the purpose of any enactment restricting the powers of borrowing by the authority.

Interpretation.

19.—(1) In this Act, unless the context otherwise requires—

The expression "the Board" means the Board of Agriculture for Scotland;

The expression "allotment garden" means an area not exceeding forty poles which is wholly or mainly cultivated by the occupier for the production of vegetable crops for consumption by himself or his family and is not let to the occupier during his continuance in any office, appointment, or employment held under the landlord or let along with any dwelling-house;

55 & 56 Vict. c. 54.

The expression "the Allotments Acts" means the Allotments (Scotland) Act, 1892, as amended

or applied by any subsequent enactment including this Act;

The expression "local authority" means a town council or parish council acting under the Allotments Acts;

The expression "association" means an association formed for the purposes of creating or promoting the creation of allotments;

The expression "lessor" means any person for the time being entitled to receive the rent or to resume possession of the land;

The expression "lease" means a letting or sub-letting of or agreement for letting or sub-letting land and the expressions "let" and "sub-let" have corresponding meanings;

The expression "the Act of 1892" means the Allotments (Scotland) Act, 1892;

The expression "the Act of 1894" means the Local Government (Scotland) Act, 1894; 57 & 58 Vict. c. 58.

The expression "the Act of 1919" means the Land Settlement (Scotland) Act, 1919; 9 & 10 Geo. 5. c. 97.

The expression "industrial purpose" shall not include use for agriculture;

The expression "agriculture" includes forestry, horticulture, and the keeping and breeding of livestock;

The expression "sinking fund charges" includes any charges for the repayment of loans, whether by means of a sinking fund or otherwise.

References to population shall be construed as references to population according to the published returns of the last census for the time being.

(2)—(*a*) In the Allotments Acts, except the provisions thereof hereinafter specified, unless the context otherwise requires, the expression "allotment" includes an allotment garden.

(*b*) The excepted provisions referred to in the foregoing paragraph are—

In the Act of 1892, subsections (3) and (6) of section seven and the proviso to subsection (2) of section eight.

(3) Where land is used by the tenant thereof as an allotment garden, then for the purposes of this Act, unless the contrary is proved—

(*a*) the land shall be deemed to have been let to him to be used as an allotment garden; and

(*b*) where the land has been sub-let to him by a local authority or association which holds the land under a lease, the land shall be deemed to have been let to that council or association for the purpose of being sub-let for such use as aforesaid.

Repeal.

20. The enactments specified in the First Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

Short title and extent.

21.—(1) This Act may be cited as the Allotments (Scotland) Act, 1922, and the Act of 1892, the provisions of Part IV. of the Act of 1894, which relate to allotments, Part III. of the Act of 1919, and this Act may be cited together as the Allotments (Scotland) Acts, 1892 to 1922.

(2) This Act shall extend to Scotland only.

Section 20.

SCHEDULES.

FIRST SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
55 & 56 Vict. c. 54.	The Allotments (Scotland) Act, 1892.	In section two, subsection (1), from "and that such allotments" to "for the same," and subsection (2). Subsection (1) of section seven. Section twelve. In section sixteen, the definition of "allotment."
57 & 58 Vict. c. 58.	The Local Government (Scotland) Act, 1894.	Subsection (4) of section twenty-four, so far as not already repealed. Section twenty-six.
9 & 10 Geo. 5. c. 97.	The Land Settlement (Scotland) Act, 1919.	Section nineteen.
10 & 11 Geo. 5. c. 76.	The Agriculture Act, 1920.	Section eleven— subsection (5) of section thirty-four.

SECOND SCHEDULE.

Section 6.

Provisions to be substituted for paragraph (*b*) of Provision (6) of the First Schedule of the Act of 1919.

(*b*) The official arbiter shall have power to determine any question—

(i) as to the terms and conditions of the proposed lease; or

(ii) as to the amount of compensation for severance; or

(iii) as to the compensation payable to any tenant in respect of the land taken forming part of any existing tenancy; or

(iv) as to the apportionment of the rent between the land acquired by the local authority and the land retained by the tenant; or

(v) as to any other matter incidental to the taking on lease of the land by the authority, or the surrender thereof at the end of their tenancy:

but the arbiter, in fixing the rent, shall not make any allowance in respect of the lease being compulsory.

(*c*) Any compensation awarded to a tenant in respect of any depreciation of the value to him of the residue of his holding caused by the withdrawal from the holding of the land taken on lease by the local authority shall, as far as possible, be provided for by taking such compensation into account in fixing, as the case may require, the rent to be paid by the authority for the land taken on lease by them, and the apportioned rent, if any, to be paid by the tenant for that portion of the holding which is not taken on lease by the authority. Provided always that during the unexpired period of the tenant's lease the sum in cumulo of the apportioned portions of rent shall not be less than the rent formerly paid by the tenant.

(*d*) The award of the arbiter or a copy thereof, together with a report signed by him as to the condition of the land taken on lease by the local authority, shall be deposited and preserved with the public books and papers of the authority, and any person interested shall, at all reasonable times, be at liberty to inspect the same, and to take copies thereof.

(*e*) The order may incorporate or apply, with any adaptations which may be prescribed by the Board, such of the provisions of the Lands Clauses Acts (including those relating to the acquisition of land otherwise than by agreement) and of sections seventy to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845, as appear to the Board sufficient for carrying into effect the order, and for the protection of the persons interested in the land, and of the local authority, and those Acts shall apply accordingly; but it shall not be necessary for the order to incorporate or apply any other provisions of those Acts.

CHAPTER 53.

An Act to make provision with respect to the disposal of sums received in respect of the carrying on and liquidation of the Expeditionary Force Canteens and the Navy and Army Canteen Board. [4th August 1922.]

WHEREAS during the late war certain organisations known respectively as the Expeditionary Force Canteens and the Navy and Army Canteen Board were created for the purpose of conducting canteens, regimental institutes and other similar institutions for the benefit of the naval, military, and air forces of His Majesty (including His Majesty's Indian forces and forces raised in His Majesty's dominions outside the United Kingdom) and of the United States of America:

And whereas prior to the first day of January, nineteen hundred and twenty-one, the said organisations had ceased to conduct such canteens, institutes, and institutions, and an organisation known as the Navy, Army, and Air Force Institutes was incorporated for the purpose of conducting, on and after the said date, such canteens, institutes, and other similar institutions for the benefit of the naval, military, and air forces of His Majesty:

And whereas from the Expeditionary Force Canteens and the Navy and Army Canteen Board sums amounting in the aggregate to twelve million, one hundred and twelve thousand, six hundred and seventy-eight pounds nine shillings and two pence have been distributed and disposed of in the manner shown in Part I. of the Schedule to this Act:

And whereas the liquidation of the canteens, institutes, and other similar institutions conducted by the Expeditionary Force Canteens and the Navy and Army Canteen Board is being completed by the transfer of the outstanding assets and liabilities to the Navy, Army and Air Force Institutes, which will have available, as the result of such liquidation and transfer, a sum of three million, nine hundred and eighty-four thousand, six hundred and sixty-nine pounds, and it is desirable that the said sum should be disposed of and distributed in the manner shown in Part II. of the said Schedule:

And whereas it is expedient that the disposal and distribution of the sums aforesaid should receive the sanction of Parliament:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Sanction of disposal of sums derived from canteens.

1.—(1) The sums mentioned in Part I. of the Schedule to this Act shall be deemed to have been lawfully distributed and disposed of.

(2) The sums mentioned in Part II. of the Schedule to this Act shall be distributed and disposed of in the manner provided in the said Part II.

Short title.

2. This Act may be cited as the War Service Canteens (Disposal of Surplus) Act, 1922.

Section 1.

SCHEDULE.

PART I.

	£	s.	d.	£	s.	d.
Payments as rebate to units of His Majesty's Forces and to Forces of the United States of America -	—			6,584,100	9	9
Payments through the Central Regimental Institutes Fund:—						
Expended for the benefit of His Majesty's Military and Air Forces - -	166,452	6	9			
Transferred to United Services Fund - -	874,554	15	10			
				1,041,007	2	7
Grants paid through Navy and Army Canteen Board for the benefit of His Majesty's Military and Air Forces - - - - -				225,755	19	0
Grants for the benefit of His Majesty's Naval Forces -	35,000	0	0			
Grants for the benefit of the Forces of the United States of America -	11,572	0	0			
Grants from the Navy and Army Canteen Board for the benefit of His Majesty's Military and Air Forces -	30,899	0	0			
				77,471	0	0
Grants from the Expeditionary Force Canteens for the benefit of His Majesty's Military and Air Forces - - - - -				599,527	14	11
Payments for the benefit of His Majesty's Dominions and Indian Forces from:—						
The Navy and Army Canteen Board - -	134,750	5	6			
The Expeditionary Force Canteens - -	595,065	17	5			
				729,816	2	11
Payments to the United Services Fund				2,855,000	0	0
					5,528,577	19 5
					12,112,678	9 2

PART II.

Sums to be disposed of as follows:—	£	s.	d.
To be retained by the Navy, Army and Air Force Institutes subject to the payment thereof to the Royal Naval Benevolent Trust within a period of 15 years from the passing of this Act, and subject to the payment to that Trust of interest at the rate of 4½ per cent. per annum on so much thereof as for the time being is so retained - - - - - - -	150,219	0	0
To be paid to the United Services Fund -	3,471,000	0	0
To be distributed amongst the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, Newfoundland, and India, in such proportions as have been or may be agreed - - -	363,450	0	0
Total - - - - - -	£3,984,669	0	0

CHAPTER 54.

An Act to postpone for a further period the operation of the Milk and Dairies (Consolidation) Act, 1915, and the Milk and Dairies (Scotland) Act, 1914, to make further provision with regard to the sale of milk and for purposes connected therewith. [4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Postponement of 5 & 6 Geo. 5. c. 66. 4 & 5 Geo. 5. c. 49. 5 & 6 Geo. 5. c. 59.

1. The Milk and Dairies (Consolidation) Act, 1915, shall, notwithstanding anything contained in section twenty-one of that Act, not come into operation before the first day of September, nineteen hundred and twenty-five, except in so far as it repeals the Milk and Dairies Act, 1914, and the Milk and Dairies Acts Postponement Act, 1915.

Power to refuse registration of, or remove from register, retailers of milk.

2.—(1) Any local authority by whom a register of purveyors of milk is kept under or in pursuance of any enactment in that behalf, may, if they are satisfied that the public health is or is likely to be endangered by any act or default of any person who is registered or who seeks to be registered therein as a retail purveyor of milk, in relation to the quality, storage or distribution of milk, serve upon him a notice to appear before them not less than seven days after the date of the notice to show cause why the local authority should not, for reasons to be specified in the notice, refuse to register him or remove him from the register, as the case may be, either absolutely or in respect of any specified premises, and if he fails to show cause to their satisfaction accordingly they may refuse to register him or remove him from the register, as the case may be.

Any person aggrieved by any such decision of the local authority as aforesaid may, within twenty-one days, give notice of appeal to a court of summary jurisdiction, and that court may require the local authority to register such person or not to remove him from the register.

The local authority or such person as aforesaid may appeal from the decision of the court of summary jurisdiction to the next practicable court of quarter sessions, who may confirm or reverse the order of the court of summary jurisdiction.

The decision of a local authority to refuse registration or to remove any person from the register under this section shall not have effect until the expiration of the time for appeal to a court of summary jurisdiction nor, where any such appeal is brought, until the appeal is determined; and where notice of appeal from a court of summary jurisdiction under this section is given within seven days from the date thereof, such decision of the local authority as aforesaid shall not take effect until the appeal to quarter sessions is finally determined.

Where the appeal is from a refusal to register, such person as aforesaid may, until the appeal is finally determined, carry on business as a purveyor of milk notwithstanding that he is not registered.

(2) The court before whom any person registered as a purveyor of milk is convicted of any offence under this Act, or any other enactment relating to milk and dairies, or any order or regulations made thereunder, may, on

the application of the local authority, in addition to any other penalty, order the removal from the register of the person so convicted either absolutely or in respect of any specified premises for such period as the court may think fit.

(3) Any enactment or order requiring a local authority to keep a register of persons carrying on the trade of cowkeepers, dairymen, or purveyors of milk shall have effect as if it required the local authority to keep a register of persons carrying on the trade of retail purveyors of milk and a separate register of persons carrying on any other trade to which the enactment or order relates, and this section shall apply only to the first-mentioned of those registers.

Licences by Minister of Health to sell milk under special designations.

3.—(1) A person shall not, either by himself or by any servant or agent, except under and in accordance with a licence granted by the Minister of Health, or with his authority under the provisions of an order made by him under this Act—

(*a*) sell or offer or expose for sale any milk as "certified," "Grade A," "pasteurised" or under such other designation as may be from time to time prescribed by order of the Minister; or

(*b*) on or in connection with any sale or offer for sale or proposed sale of any milk or in any advertisement, circular, or notice relating to any milk, describe or refer to the same as "certified," "Grade A," "pasteurised" or by any other designation prescribed as aforesaid, or use any description or designation including or resembling any such description or designation.

(2) A licence may be granted for the purposes of this section for such period and subject to such terms and conditions (including conditions as to the payment of fees) as may be prescribed by an order made under this Act.

(3) This section shall come into operation on the first day of January, nineteen hundred and twenty-three, and until that date the provisions of the Milk (England and Wales) Order, 1921, and the Local Authorities (Milk) Order, 1921, relating to the sale of milk under special designations or to the matters connected therewith, shall continue in force, and shall have effect as if they were enacted in this Act.

Prohibition of addition of colouring matter, &c.

4.—(1) No person shall add any colouring matter or water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk or separated milk to milk intended for sale, and no person shall, either by himself or by any servant or agent, sell, or offer or expose for sale, any milk to which any such addition has been made.

(2) No person either by himself or any servant or agent shall sell, or offer or expose for sale, as milk any liquid in the making of which dried milk or condensed milk has been used.

(3) For the purposes of this section, except as regards the addition of skimmed or separated milk, milk includes skimmed milk and separated milk.

Prohibition of sale of tuberculous milk.

5.—(1) No person shall, by himself or by any servant or agent, sell or offer or expose for sale the milk of a cow suffering from tuberculosis of the udder, and he shall be guilty of an offence under this section if it is proved that he knew or could by the exercise of ordinary care have ascertained that the cow was suffering from that disease.

(2) If any person is guilty of an offence under this section, he shall be liable on summary conviction for a first offence to a fine not exceeding twenty pounds, and for a second or subsequent offence to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a period of six months, or to both such fine and imprisonment.

Milk and dairy orders to be laid before Parliament.

6. All orders relating to milk and dairies made by the Minister of Health under this Act or under any other enactment shall be laid before each House of Parliament as soon as may be after they are made; and, if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty days on which that House has sat next after the order is laid before it praying that the order may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new order. If the session of Parliament ends before such twenty days as aforesaid have expired, the order shall be laid before each House of Parliament at the commencement of the next session as if it had not previously been laid.

Any order made under this Act may be varied or revoked by an order made in the same manner and subject to the same provisions as the original order.

Orders to be made with concurrence of Minister of Agriculture and Fisheries. 41 & 42 Vict. c. 74. 49 & 50 Vict. c. 32.

7. Any order made after the commencement of this Act by the Minister of Health under section thirty-four of the Contagious Diseases (Animals) Act, 1878, as amended by the Contagious Diseases (Animals) Act, 1886, shall be made with the concurrence of the Minister of Agriculture and Fisheries.

Regulations by Minister of Health. 7 Edw. 7. c. 32.

8.—(1) The Minister of Health shall make regulations under the Public Health (Regulations as to Food) Act, 1907, for the prevention of danger arising to public health from the importation of milk intended for sale for human consumption or for use in the manufacture of products for human consumption.

(2) Subsection (1) of section one of the said Act shall have effect as though at the end thereof the following paragraph were added:—

(*d*) provide for the manner in which any tin or other receptacle containing dried, condensed, skimmed, or separated milk is to be labelled or marked, and prescribe the minimum percentages of milk fat and milk solids in dried or condensed milks.

Penalties.

9.—(1) If any person is guilty of a contravention of, or non-compliance with, the provisions of this Act or any of them, he shall, save as otherwise provided in this Act, be liable on summary conviction to a fine not exceeding, in the case of a first offence five pounds, and, in the case of a second or subsequent offence, fifty pounds, and, if the offence is a continuing offence, to a further fine not exceeding forty shillings for each day during which the offence continues.

(2) Where it appears to a local authority that an offence has been committed in respect of which proceedings might be taken under this Act against a purveyor of milk, the local authority shall, if reasonably satisfied that the offence of which complaint is made was due to an act or default of a servant or agent without the knowledge, consent, or connivance of his employer, take proceedings against the servant or agent without first proceeding against his employer.

(3) A person shall not be convicted of any offence under any enactment relating to the sale of milk in respect of a sample of milk taken after the milk has left his custody and control, if it is proved to the satisfaction of the court that the churn or other receptacle in which the milk was contained was effectively closed and sealed at the time when it left his custody and control, but was not so closed and sealed at the time when it reached the person by whom the sample was taken.

Administration of Act.

10.—(1) The local authority for the purpose of the enforcement of sections three and four of this Act shall be the same as the local authority concerned with the enforcement of the Sale of Food and Drugs Acts, 1875 to 1907 (including an authority empowered by section thirteen of the Sale of Food and Drugs Act, 1875, to give directions to the officers named therein to procure samples of food or drugs), and the local authority for the enforcement of section five of this Act shall be the sanitary authority:

38 & 39 Vict. c. 63.

Provided that, where a local authority have been authorised by the Minister to grant licences under section three of this Act, that local authority shall also be a local authority for the purpose of the enforcement of that section.

(2) The expenses incurred by a local authority authorised to grant licences under section three, or incurred by a local authority under sections two and five, of this Act, shall be defrayed, in the case of a county council out of the county fund as expenses for general county purposes, and in the case of a sanitary authority as part of their general expenses in the execution of the enactments relating to public health, and any other expenses incurred by a local authority under this Act shall be defrayed in the same manner as expenses for the purposes of the Sale of Food and Drugs Acts, 1875 to 1907.

Transfer of powers under Act to county council.

11.—(1) If a local authority fail to fulfil any of their duties under this Act or under any order relating to milk and dairies made by the Minister of Health, the Minister may, after holding a local inquiry, make such order as he thinks necessary or proper for the purpose of compelling the authority to fulfil their duties, and any such order may be enforced by mandamus.

(2) If a county council resolve that a district council within the county have failed to exercise or perform any of their powers or duties under this Act or any enactments relating to milk and dairies, or any order or regulations made thereunder, and make complaint thereof to the Minister of Health, the Minister may after such inquiry as he deems necessary by order determine that all or any of the said powers or duties be transferred to the county council either for a definite period or until the Minister shall otherwise direct, and those powers and duties shall be transferred accordingly, and section sixty-three of the Local Government Act, 1894, shall apply as if the powers and duties has been transferred under that Act with such modifications and adaptations as appear necessary or expedient. 56 & 57 Vict. c. 73.

12. Where the registration of a retailer is refused, or a retailer is removed from a register, under this Act, the retailer shall not be liable to any action for breach of a contract for the purchase of further supplies of milk from a producer, if he can prove that such refusal or removal was due to the quality of milk supplied by the producer. Provisions as to breaches of contract.

13. At the hearing of the information in any proceedings under section four of this Act, the production of the certificate of an analyst acting under the Sale of Food and Drugs Acts, 1875 to 1907, for the place in which the sample was taken, shall be sufficient evidence of the facts stated therein unless the defendant shall require that the analyst shall be called as a witness. Certificate of analyst primâ facie evidence.

14. This Act shall apply to Scotland, with the following modifications:— Application to Scotland.

(*a*) The Scottish Board of Health (hereinafter in this section referred to as "the Board") shall be substituted for the Minister of Health.

(*b*) The following section shall be substituted for section one:—

"1.—(1) The Milk and Dairies (Scotland) Act, 1914, shall come into operation on the appointed day being a day not before the first day of September, nineteen hundred and 4 & 5 Geo. 5. c. 46.

twenty-five, and the appointed day shall be such day as the Board may by order appoint, and different days may be appointed for different purposes and for different provisions of that Act (including the repeal of different enactments).

5 & 6 Geo. 5. c. 59.

(2) The Milk and Dairies Acts Postponement Act, 1915, so far as the same applies to Scotland, is hereby repealed."

(*c*) The expression "court of summary jurisdiction" means the sheriff, and the provisions of section two of this Act regarding appeals to quarter sessions shall not apply provided that any decision by a sheriff-substitute under the said section may be appealed to the sheriff if notice of appeal is given within seven days of such decision.

(*d*) Subsection (1) of section three of this Act shall have effect as if there were inserted after the term "certified," wherever the same occurs therein, the term "Grade A. (tuberculin tested)." In subsection (3) of section three of this Act references to the Milk (Scotland) Order, 1921, the Local Authorities (Milk) (Scotland) Order, 1921, the Milk (Local Authorities) (Scotland) Order, 1920, and the Local Authorities (Milk) (Scotland) Order, 1920, shall be substituted for references to the Milk (England and Wales) Order, 1921, and the Local Authorities (Milk) Order, 1921.

(*e*) In subsection (2) of section nine of this Act references to the procurator-fiscal shall be substituted for references to the local authority.

(*f*) The following subsection shall be substituted for section ten of this Act:—

60 & 61 Vict. c. 38.

The provisions of this Act shall be enforced by the local authorities under the Public Health (Scotland) Act, 1897, and any expense thereby incurred shall be defrayed out of the public health general assessment.

(*g*) Section eleven of this Act shall not apply.

(*h*) Where a local authority have, in virtue of powers conferred on them by orders made by the Food Controller and Secretary for Scotland under the Defence of the Realm Regulations, bought and sold milk and made arrangements as to the distribution thereof in their district, such local authority may, if the Board are satisfied that in the special circumstances the continued exercise of such powers is desirable, buy milk from any person and sell milk so bought at a price estimated to cover at least the cost of purchasing and distributing such milk and make arrangements as to the distribution of milk in their district so, however, that nothing in this paragraph shall authorise the local authority to fix prices for milk in their district. The powers conferred hereby shall be subject to such conditions as may from time to time be prescribed by the Board and shall cease to be exerciseable if and when the Board so determine by order. Any expenses incurred by a local authority in the execution of the powers conferred on them by this paragraph shall be defrayed out of the public health general assessment, but such expenses shall not be reckoned in any calculation as to the statutory limit of that assessment. For the purposes of this paragraph, the expression "milk" shall include skimmed milk, separated milk and buttermilk and any milk which has been submitted to sterilisation, pasteurisation, homogenisation, or any other like process, but shall not include condensed milk.

Short title and extent.

15.—(1) This Act may be cited as the Milk and Dairies (Amendment) Act, 1922.

(2) This Act shall not apply to Ireland.

(3) This Act, except where otherwise expressly provided, shall come into operation on the first day of September, nineteen hundred and twenty-two.

CHAPTER 55.

An Act to make provision for the disbandment of the Royal Irish Constabulary and with respect to magistrates appointed under the Acts relating to that Force, and for the validation of things done or omitted in the execution or purported execution of those Acts, and for other purposes incidental thereto. [4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Disbandment of the Royal Irish Constabulary.

1.—(1) The Royal Irish Constabulary shall be disbanded on such day, not being later than the thirty-first day of August, nineteen hundred and twenty-two, as may be fixed by the Lord Lieutenant, and on or before that date every officer and constable of that force shall retire from the force as and when required by the Lord Lieutenant, and shall, on his retirement, be entitled to receive such compensation as may be awarded to him by the Treasury in accordance with the rules contained in Part I. of the Schedule to this Act and, in the event of his dying after a compensation allowance has been awarded to him, the Treasury shall grant a pension or gratuities to his widow and children in accordance with the said rules.

Provided that, in awarding any such compensation, allowance, pension or gratuity, no deduction shall be made by reason of the fact that any compensation has been awarded to the officer or constable in respect of injuries sustained in the discharge of his duties.

(2) The provisions contained in Part II. of the Schedule to this Act shall apply as respects compensation allowances awarded in pursuance of this section in like manner as they apply as respects pensions under the Royal Irish Constabulary Pensions Order, 1922, with the substitution of references to a Secretary of State for references to the Inspector-General.

(3) If any officer or constable to whom a compensation allowance has been awarded in pursuance of this section takes service in any police force to which this subsection applies, the allowance may be suspended in whole or in part so long as he remains in such force. This subsection applies to any police force the expenses of which are defrayed in whole or in part out of moneys provided by Parliament or by any Parliament in Ireland, or out of funds assisted by the Exchequer or by any Exchequer in Ireland.

(4) Sections eight and ten of the Police Pensions Act, 1921, shall not apply to the service in the Royal Irish Constabulary of any officer or constable to whom a compensation allowance has been awarded in pursuance of this section, or to his prior service in any other police force so far as the same has, for the purposes of the award, been reckoned as service in the Royal Irish Constabulary, but, if any such officer or constable takes service in any police force and on his ultimate retirement therefrom is awarded a pension, then, if the amount of the compensation allowance when added to the amount of his pension exceeds the higher of the two following sums,— 11 & 12 Geo. 5. c. 31.

(*a*) two-thirds of the salary on which his compensation allowance was calculated; or

(*b*) two-thirds of the salary of which he was in receipt at the time of his ultimate retirement;

or should those sums be equal, exceeds either of those sums, his compensation allowance may be suspended to the extent of the excess:

Provided that, where the officer or constable on his ultimate retirement is awarded a lump sum instead of or in addition to a pension, the annual amount which would represent that sum, if converted into a life annuity, shall be determined by the Treasury, and the amount so determined shall, for the purpose of the foregoing provision, be deemed to be or to form part of his pension.

(5) The Pensions Commutation Acts, 1871 to 1882, shall apply to any officer or constable to whom a compensation allowance is awarded in pursuance of this section in like manner as if he had retired from the permanent civil service of the Crown on the abolition of his office, and any terminable annuity payable to the

National Debt Commissioners in respect of the commutation of a compensation allowance shall be paid out of the same funds as the allowance:

Provided that, in such cases and on such terms as the Treasury may by regulation prescribe, the Treasury may, on the application of any such officer or constable, commute a portion of the compensation allowance so awarded to him as aforesaid for an annuity for a term of two years but ceasing on his death if he dies within that term, and in such case the following provisions shall have effect:—

(*a*) the capital sum representing the portion of the compensation allowance to be commuted shall be ascertained in accordance with the tables and the rule for determining age for the time being in force under the Pensions Commutation Acts, 1871 to 1882;

(*b*) the capital sum so ascertained shall be applied by the National Debt Commissioners in providing an annuity for such term as aforesaid, and the National Debt Commissioners shall have power to grant such an annuity;

(*c*) in calculating the amount of the annuity, the same rate of interest shall be assumed as is assumed in calculating such capital sum as aforesaid;

(*d*) subject as aforesaid, the annuity shall be calculated in such manner and in accordance with such tables, and shall be payable in such manner and at such times as the Treasury may by regulations prescribe;

(*e*) sums payable or paid on account of any such annuities as aforesaid shall, for the purposes of sections six and eight of the Pensions Commutation Act, 1871, be treated as amounts awarded as commutations of pensions under that Act as applied by this subsection.

33 & 34 Vict. c. 36.

46 & 47 Vict. c. 14.

(6) Section nine of the Constabulary and Police (Ireland) Act, 1883 (which relates to the punishment of persons obtaining pensions, &c., by fraud), shall apply in the case of compensation allowances, commutation annuities, pensions, and gratuities awarded or payable in

pursuance of this section in like manner as it applies in the case of pensions and gratuities under that Act.

(7) Where, for the purpose of expediting the disbandment of the Royal Irish Constabulary, any member of that force has, since the twenty-fifth day of January, nineteen hundred and twenty-two, and before the passing of this Act, been discharged with compensation, his discharge and the grant of compensation to him shall be as valid and effectual as if they had been expressly authorised by this Act, and the compensation shall be treated as compensation payable under this Act, and the provisions of this Act with respect to a compensation allowance awarded in pursuance of this section shall apply to any annual allowance so granted.

(8) All compensation payable to officers and constables of the Royal Irish Constabulary under this Act (including any compensation which is to be treated as so payable), and any pensions and gratuities granted to widows and children of such officers and constables in pursuance of this Act shall be paid out of moneys provided by Parliament.

(9) The powers of the Lord Lieutenant or Inspector-General with respect to pensions, allowances, or gratuities of members of the Royal Irish Constabulary, their widows, children, or dependents, under the Acts or Orders relating to that force may, after the day fixed for the disbandment of the said force, be exercised by a Secretary of State with the approval of the Treasury.

(10) For the purposes of section fifty-seven of the Government of Ireland Act, 1920, so far as it relates to pensions of officers and constables of the Royal Irish Constabulary payable at the date of transfer, the day fixed for the disbandment of the Royal Irish Constabulary shall, so far as respects Northern Ireland, be treated as the date of transfer. 10 & 11 Geo. 5. c. 67.

Transfer of public services in connection with resident magistrates.

2. On the day fixed for the disbandment of the Royal Irish Constabulary the public services in connection with magistrates appointed under the Acts relating to that force shall, as respects Northern Ireland, be transferred from the Government of the United Kingdom to the Government of Northern Ireland, and the provisions of the Government of Ireland Act, 1920, in their application to Northern Ireland, shall have effect accordingly in

like manner as if the said day had been duly determined by His Majesty in Council under section nine of the said Act to be the date for the purpose aforesaid.

Validation of things done or omitted in the execution of the Acts relating to the Royal Irish Constabulary.

3. Anything done or omitted after the first day of January, nineteen hundred and nineteen, in relation to the appointment or distribution of officers or constables of the Royal Irish Constabulary, including the appointment or purported appointment of officers or constables in excess of the numbers authorised to be appointed by the Acts relating to that force, or otherwise in the execution or purported execution of those Acts, shall be deemed to have been lawfully done or omitted if the act or omission was authorised by the Lord Lieutenant or Chief Secretary or is certified by a Secretary of State to have been necessary or expedient with a view to the restoration or maintenance of order in Ireland.

Short title.

4. This Act may be cited as the Constabulary (Ireland) Act, 1922.

Section 1.

SCHEDULE.

PART I.

RULES.

1. The compensation which may be awarded to an officer or constable shall be an annual allowance.

2. The annual allowance shall be calculated in like manner as the pension which the officer or constable would have been entitled to receive if he had retired for length of service under the existing enactments applicable to him, and had been qualified in respect of his length of service for a pension, save that, for the purposes of that calculation, the following provisions shall have effect:—

(*a*) There shall be added to his completed years of actual service if the proportion of salary on which his allowance is calculated is one-fiftieth, ten years, and if that proportion is one-sixtieth, twelve years;

(*b*) His salary shall be taken at the amount which it would have reached if he had continued to serve in the same rank for the number of years so added, and in the case of a district inspector of the third class, as if he

were entitled to promotion to the second class on the completion of one and a half years' service in the third class, and, in the case of a district inspector of the second class, as if he were entitled to promotion to the first class on the completion of eleven years' service in the second class;

(*c*) If the number of his completed years of service, as reckoned under this rule, is less than the minimum number of years of service for which provision as respects pensions is made in the appropriate pension scale, that scale shall apply with the substitution of the number of his completed years of service as so reckoned for that minimum number; and

(*d*) If he has, in addition to his completed years of actual service, served for a period exceeding six months, his service for that period shall be reckoned as a completed year of actual service:

Provided that in the case of the surgeon of the Royal Irish Constabulary his compensation allowance may, should he so desire, be calculated in like manner as the pension which he would have been entitled to receive on retirement under the existing enactments applicable to him if the years to be added as aforesaid were added to his years of age instead of to his completed years of actual service.

3. The allowance awarded to an officer or constable shall in no case exceed two-thirds of the salary on which the allowance is calculated.

4. In the event of an officer or constable dying after an annual allowance has been awarded to him under this Act, the Treasury shall grant a pension or gratuities to the widow and children of the officer or constable in like manner as if the allowance were a pension granted to the officer or constable on retirement, and as if his years of service had been the years on which the allowance was calculated.

5. In these rules the expression "existing enactments" means enactments in force at the time of the passing of this Act, and includes any orders made under those enactments and in force at that time.

PART II.

ASSIGNMENT OF PENSIONS AND REGULATIONS AS TO PAYMENT OF PENSIONS, &C.

15. The following provisions shall have effect with respect to every pension, allowance, and gratuity (in this Article referred to as a grant) payable under this Order or under the

Interim Order to any person (in this Article referred to as the pensioner):—

(1) Every assignment of and charge on a grant, and every agreement to assign or charge a grant, shall, except so far as made for the benefit of the family of the pensioner, be void, and on the bankruptcy of the pensioner the grant shall not pass to any trustee or other person acting on behalf of the creditors:

(2) Where any sum is due from the pensioner to the Inspector-General or to the Crown, the Inspector-General may deduct the amount of any such sum from the grant:

(3) On the death of a pensioner to whom a sum not exceeding one hundred pounds is due on account of a grant, then, if the Inspector-General so direct, probate or other proof of the title of the personal representative of the deceased may be dispensed with, and the sum may be paid or distributed to or among the persons appearing to the Inspector-General to be beneficially entitled to the personal estate of the deceased pensioner or to or among any one or more of those persons, or in the case of the illegitimacy of the deceased pensioner, to or among such persons as the Inspector-General may think fit, and the Inspector-General, and any officer of the Inspector-General making the payment, shall be discharged from all liability in respect of any such payment or distribution:

(4) Every grant which is a pension or allowance (other than a pension or allowance payable to an officer of higher rank than a county inspector or to the widow or children of such officer) shall be paid, after the first instalment, in advance, except in the case of a refusal to quit police quarters or premises owned or rented by or on behalf of the Inspector-General or to give up any equipment or to make any payment due to the Inspector-General; but, where a person dies whilst in receipt of a grant paid in advance, no return shall be required of any payments which have been made in respect of any period after his death.

Forfeiture of Pension or Allowance.

16.—(1) A pension or allowance under this Order is granted only upon condition that it becomes forfeited and may be withdrawn by the Inspector-General, with the consent of the Treasury, in any of the following cases, that is to say, if the grantee—

(*a*) is convicted of any offence and is sentenced to penal servitude or to imprisonment for a term exceeding three months; or

(*b*) knowingly associates with thieves or reputed thieves; or

(*c*) refuses to give to the police all information and assistance in the power of the grantee, for the detection of crime, for the apprehension of criminals, or for the suppression of any disturbance of the public peace; or

(*d*) enters into or continues to carry on any business, occupation or employment which is illegal, or in which the grantee has made use of the fact of former employment in the force in a manner which the Inspector-General considers to be discreditable or improper; or

(*e*) supplies to any person or publishes in a manner which the Inspector-General considers to be discreditable or improper any information which the grantee may have obtained in the course of employment in the force; or

(*f*) solicits or, without the consent of the Inspector-General, accepts directly, or indirectly, any testimonial or gift of a pecuniary value on retirement from the force, or otherwise in connection with his service in the force; or

(*g*) enters into or continues in any business, occupation, or employment as a private detective, after being prohibited to do so by the Inspector-General on any reasonable grounds.

(2) Such forfeiture and withdrawal may affect the pension or allowance wholly or in part, and may be permanent or temporary as the Inspector-General with the consent of the Treasury may determine.

CHAPTER 56.

An Act to amend the law with respect to offences against persons under the age of sixteen, and with respect to penalties under section thirteen of the Criminal Law Amendment Act, 1885, and to repeal section five of the Punishment of Incest Act, 1908. [4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Consent of young person to be no defence.

1. It shall be no defence to a charge or indictment for an indecent assault on a child or young person under the age of sixteen to prove that he or she consented to the act of indecency.

Amendment of ss. 5 and 6 of 48 & 49 Vict. c. 69 as to defence of reasonable belief.

4 Edw. 7. c. 15.

2. Reasonable cause to believe that a girl was of or above the age of sixteen years shall not be a defence to a charge under sections five or six of the Criminal Law Amendment Act, 1885 (in this Act referred to as the principal Act). The limit of time mentioned in the second proviso to section five of the principal Act, as amended by section twenty-seven of the Prevention of Cruelty to Children Act, 1904, shall be nine months after the commission of the offence: Provided that in the case of a man of twenty-three years of age or under the presence of reasonable cause to believe that the girl was over the age of sixteen years shall be a valid defence on the first occasion on which he is charged with an offence under this section.

Amendment of penalties under s. 13 of principal Act.

3. Any person who is convicted of an offence against section thirteen of the principal Act (which relates to summary proceedings against brothel keepers, &c.) shall be liable on summary conviction—

(*a*) to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding three months; and

(*b*) on a second or subsequent conviction, to a fine not exceeding two hundred and fifty pounds or to imprisonment with or without hard labour for a term not exceeding six months;

or, in any such case, to both fine and imprisonment.

Application to Scotland.

4. In the application of this Act to Scotland—

(1) The following provision shall be substituted for section one of this Act:—

> Any person who uses towards a girl of or above the age of twelve years and under the age of sixteen years any lewd, indecent or libidinous practice or behaviour which, if

used towards a girl under the age of twelve years, would have constituted an offence at common law, shall, whether the girl consented to such practice or behaviour or not, be guilty of an offence against this Act, and shall be liable on conviction on indictment to imprisonment with or without hard labour for a period not exceeding two years, or on summary conviction to imprisonment for a period not exceeding three months.

(2) The section of this Act relating to amendment of penalties under section thirteen of the principal Act shall not apply, except to convictions in the sheriff court; and on conviction of any person by any other court of summary jurisdiction of an offence against the said section thirteen, such person shall be liable to a penalty not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding three months, or to both such fine and imprisonment.

Repeal of s. 7 of 8 Edw. 7. c. 45.

5. Section five of the Punishment of Incest Act, 1908 (which requires that all proceedings under that Act are to be held in camera), is hereby repealed.

Short title and repeal.

6.—(1) This Act may be cited as the Criminal Law Amendment Act, 1922; and the Criminal Law Amendment Acts, 1885 to 1912, and this Act may be cited together as the Criminal Law Amendment Acts, 1885 to 1922.

(2) The enactments specified in the first and second columns of the Schedule to this Act shall be repealed to the extent shown in the third column of that schedule.

(3) This Act shall not apply to Ireland.

Section 6.

SCHEDULE.

Session and Chapter.	Short Title.	Extent of Repeal.
43 & 44 Vict. c. 45 -	The Criminal Law Amendment Act, 1880.	The whole Act.
48 & 49 Vict. c. 69 -	The Criminal Law Amendment Act, 1885.	The first proviso to section 5; the proviso to section 6; section 13 so far as it relates to penalties.
8 Edw. 7. c. 45 -	The Punishment of Incest Act, 1908.	Section 5.
2 & 3 Geo. 5. c. 20 -	The Criminal Law Amendment Act, 1912.	Subsection (2) and (3) of section 4.

CHAPTER 57.

An Act to make further provision with respect to the qualifications of persons proposing to become or to practise as Solicitors. [4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Conditions of exemption from preliminary examination. 40 & 41 Vict. c. 25.

1.—(1) A certificate of having passed a preliminary examination under the Solicitors Act, 1877, shall not be required from any person who has—

(*a*) taken a degree, other than a honorary degree, in arts or law at any university to which this Act applies; or

(*b*) passed the examination in responsions at Oxford, or the previous examination at Cambridge, or the matriculation or other corresponding examination at any other university to which this

Act applies, or any examination accepted by any such university as exempting from those examinations; or

(*c*) been called to the degree of utter barrister in England.

(2) The Board of Education, after consultation with the Law Society and with the concurrence of the Lord Chancellor, the Lord Chief Justice, and the Master of the Rolls, or any two of them, may by order make regulations adding to the examinations, the passing of which exempts from the preliminary examination and prescribing, if it appears necessary, the conditions and standards to be complied with in connection with any examination which may be so added, and on the making of any such order this section shall have effect accordingly.

(3) Any disputed question as to whether an examination is for the purposes of this section an examination corresponding to the matriculation examination shall be decided by the Board of Education.

(4) As respects universities and examinations in Scotland, the powers conferred by this section on the Board of Education shall be exerciseable by the Scottish Education Department.

(5) The Solicitors Act, 1877, shall have effect as though the foregoing provisions of this section were substituted for section ten thereof, but a certificate of having passed a preliminary examination shall not be required from any person who before or within five years after the passing of this Act has taken any of the degrees or passed any of the examinations referred to in that section (as amended by any other enactment) or in any regulations made under that section.

Conditions of admittance to final examination.

2.—(1) A person articled to a solicitor after the thirty-first day of December, one thousand nine hundred and twenty-two, shall not be admitted to the final examination, unless he satisfies the Law Society that he has during a period of one year, such period being continuous or subject to such intervals as the Society may think reasonable, complied with the requirements of the Society as to attendance at a course of legal education at a law school provided or approved by the Society:

Provided that—

(*a*) the Society shall exempt any person wholly or partially from the provisions of this section

if satisfied that the attendance at any such course of education as aforesaid was for geographical or other reasons impracticable; and

(*b*) any person may appeal to the Master of the Rolls in accordance with rules made by the Master of the Rolls against the refusal of the Society to approve any law school for the purposes of this section, or to exempt any person from the provisions of this section, and the decision of the Master of the Rolls shall be final and binding on the Society.

(2) The Society shall supply a list of law schools provided or approved by them for the time being to—

(*a*) any person applying for the same; and

(*b*) any person articled to a solicitor as soon as may be after his articles are registered.

(3) The provisions of this section shall not apply to any person who proves to the satisfaction of the Law Society, or, on appeal, to the satisfaction of the Master of the Rolls that he has taken a degree at any of the universities to which this Act applies after passing a final examination in law at that university, or to any person who applies to be admitted to the Law Society's final examination after satisfying the requirements contained in section four of the Solicitors Act, 1860.

23 & 24 Vict. c. 127.

(4) Notwithstanding anything contained in this Act, the Law Society shall continue to conduct their examinations previous to the admission of solicitors independently of any school of law, and the teaching staff of any law school provided by the Society shall not take any part in any such examinations.

Power of judges to provide for admission in certain cases after four years' service.

3.—(1) The Master of the Rolls, with the concurrence of the Lord Chancellor and the Lord Chief Justice or one of them, may make regulations directing that any person having passed any examination held in or by any university to which this Act applies, or in or by any college or educational institution specified in the regulations, and having passed the intermediate and final examinations under the Solicitors Act, 1877, may be admitted and enrolled as a solicitor after service under articles of clerkship to a practising solicitor for the term of four years, but not so as to allow in any case a less term of service than four years.

(2) The Solicitors Act, 1877, shall have effect as though the foregoing provisions of this section were substituted for section thirteen thereof.

Amendment of s. 2 of 23 & 24 Vict. c. 127.

4. Section two of the Solicitors Act, 1860 (which enables persons who have taken degrees at certain universities to be admitted after three years' service) shall have effect as though—

(*a*) any reference to a degree of Bachelor of Arts included a reference to a degree of Bachelor of Science; and

(*b*) the universities to which this Act applies were substituted for the universities referred to in that section.

Time for taking final examination.

5. A person, whether bound under articles of clerkship for five, four, or three years, who has duly served his clerkship in accordance with the provisions of the Solicitors Acts, 1839 to 1919, and this Act, and has duly complied with the provisions of this Act, shall be at liberty to present himself for final examination and be examined at the examination next preceding the expiration of his term of service under articles of clerkship, or at any subsequent examination.

Application of 51 & 52 Vict. c. 65. s. 16 to solicitors applying for a first certificate to practise.

6. Section sixteen of the Solicitors Act, 1888 (which authorises the registrar of solicitors to refuse to issue certificates in certain cases) shall apply to a solicitor who, being an undischarged bankrupt, applies for a first certificate to practise.

Power to make rules for the purposes of the Solicitors Act, 1888.

7. The Master of the Rolls, with the concurrence of the Lord Chancellor and the Lord Chief Justice, or one of them, may make general regulations for the purposes of the execution of the Solicitors Act, 1888 (as amended by any subsequent enactment, including this Act) with respect to articles of clerkship, admission as a solicitor, or the grant or renewal of a certificate to practise.

Fee for registrar's certificate. 23 & 24 Vict. c. 127.

8. The fee payable under section twenty of the Solicitors Act, 1860, in respect of the issue of the registrar's certificate shall be one pound instead of five shillings, and that section shall have effect accordingly, and the proceeds of any increase in the fee under this section shall be applied by the Law Society in such manner as they think fit towards the expenses of the Society's school

in London, and making grants to approved law schools elsewhere.

Universities to which the Act applies.

9. This Act applies to any university which, at the time of the passing of this Act, is entitled to representation in the House of Commons, whether alone or jointly with any other university:

Provided that the Board of Education, after consultation with the Law Society and with the concurrence of the Lord Chancellor, the Lord Chief Justice and the Master of the Rolls, or any two of them, may by order add any university in the United Kingdom to the universities to which this Act applies, and, on the making of any such order, this Act shall have effect accordingly.

Short title, repeal and saving.

10.—(1) This Act may be cited as the Solicitors Act, 1922, and the Solicitors Acts, 1839 to 1919, and this Act may be cited together as the Solicitors Acts, 1839 to 1922.

(2) The enactments referred to in the Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Section 10.

SCHEDULE.

Session and Chapter.	Short Title.	Extent of Repeal.
6 & 7 Vict. c. 73.	The Solicitors Act, 1843.	In section three the words "and also unless such person shall after the expiration of the said term of five years have been examined in the manner hereinafter directed."
23 & 24 Vict. c. 127.	The Solicitors Act, 1860.	Sections five and twelve.
40 & 41 Vict. c. 25.	The Solicitors Act, 1877.	Sections ten and thirteen.
8 Edw. 7. c. 38	The Irish Universities Act, 1908.	Section twelve so far as it amends section ten of the Solicitors Act, 1877.

CHAPTER 58.

An Act to amend the Ecclesiastical Tithe Rentcharge (Rates) Act, 1920, in respect of the relief or abatement to an owner of tithe rentcharge who holds more than one benefice.

[4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Relief or abatement in case of several benefices held by one person. 10 & 11 Geo. 5. c. 22.

1. Where the owner of tithe rentcharge attached to a benefice holds more than one benefice (whether united for ecclesiastical purposes or not so united) he shall, in respect of any rate made on or after the first day of October, nineteen hundred and twenty-two, be entitled under subsection (2) of section one of the Ecclesiastical Tithe Rentcharge (Rates) Act, 1920, to such relief or abatement only as he would have been entitled to if the several benefices were one benefice and any tithe rentcharge attached to any of the several benefices were attached to that one benefice and the total income arising from the several benefices arose from one benefice.

Short title.

2. This Act may be cited as the Ecclesiastical Tithe Rentcharges (Rates) Act, 1922, and the Ecclesiastical Tithe Rentcharge (Rates) Act, 1920, and this Act, may be cited together as the Ecclesiastical Tithe Rentcharges (Rates) Acts, 1920 and 1922.

CHAPTER 59.

An Act to provide for the Superannuation of Persons employed by Local Authorities and other Public Bodies. [4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Commencement of Act.

1. This Act shall come into operation as respects any local authority as from such date as may be specified in the resolution of that local authority adopting this Act, which date is hereinafter referred to as the appointed day.

Adoption of Act.

2. This Act shall not apply to a local authority unless and until—

(*a*) it shall have been adopted by such local authority by a resolution passed by a majority consisting of not less than two-thirds of the members of such local authority, present and voting at a meeting called for the purpose, of which a month's previous notice shall be given to each member of such local authority, together with an estimate certified by an actuary of the cost to the local authority of adopting this Act; and

(*b*) such resolution shall also have been confirmed by such local authority at a regular meeting held not less than one month after the passing of such resolution; and

(*c*) such resolution shall have been approved by the Minister.

Definitions.

3. In this Act unless the context otherwise requires—

"Service" means whole-time or part-time service in the permanent employment of a local authority after an officer or servant has attained the age of eighteen years, other than service in respect of which the officer or servant is entitled to any superannuation allowance or gratuity under any other enactment, and when used in relation to service after the appointed day means continuous service, and when used in relation to service rendered before the appointed day means service whether continuous or not;

"Contributing service" means service rendered by an officer or servant in respect of which he is a contributor to the superannuation fund;

"Non-contributing service" means service rendered to any local authority before the appointed day by an officer or servant occupying, on the appointed day, a post designated as an established post;

"Local authority" means the council of any county, county borough, municipal borough, metropolitan borough, urban district, or rural district, and any other authority within the meaning of the Local Loans Act, 1875, and includes any combination of local authorities under this Act: 38 & 39 Vict. c. 83.

Provided that no local authority or combination of local authorities shall be entitled to adopt this Act unless there are in the service of such authority or of the authorities so combining, as the case may be, not less than fifty officers or servants occupying posts proposed to be designated as established posts for the purposes of this Act;

"Officer," or "servant," means an officer or servant in the permanent service of the local authority occupying a post designated as an established post for the purposes of this Act by a resolution of the local authority, and whether in receipt of salary or wages;

"Salary" or "wages" means all salary, wages, fees, poundage and other payments (including any war bonus) paid or made to any officer or servant as such for his own use, also the money value of any apartments, rations or other allowances in kind appertaining to his office or employment, but does not include payments for overtime or any allowance paid to him to cover cost of office accommodation or clerks' assistance;

"Superannuation fund" means a fund to be established by the local authority in the manner prescribed and provided in section eighteen of this Act;

"Actuary" means a fellow of the Institute of Actuaries or the Faculty of Actuaries in Scotland;

"Minister" means the Minister of Health.

Subsequent designation of posts; and establishment of separate funds for officers and servants.

4.—(1) Where a local authority who have adopted this Act propose to designate at any subsequent date any further posts as established posts for the purposes of this Act, the date of such subsequent designation shall be deemed to be the appointed day as respects the officers or servants occupying the posts so designated at the date of designation, and the provisions of section two and of paragraph (*e*) of subsection (1) of section eighteen of this Act shall apply accordingly, unless and to the extent to which in any particular case the Minister otherwise directs.

(2) A local authority may, with the consent of the Minister and in accordance with a scheme approved by him, establish separate superannuation funds for officers and servants respectively, and any such scheme may provide for the transfer of officers or servants from one fund to the other and for making such financial adjustments between the funds in the event of such transfer as may be necessary.

Combinations of local authorities.

5.—(1) The following local authorities, namely:—

(*a*) the council of any county and any local authority whose area is wholly or partly situate within the county; and

(*b*) any two or more local authorities whose areas are situate wholly or partly in the same county;

may enter into combination for the purposes of this Act:

Provided that such combination shall not take effect unless a combination scheme has been submitted to and approved by the Minister.

(2) A scheme of combination under this section may provide for making such modifications in this Act as appear to the Minister to be necessary or expedient for the purpose of applying this Act to combinations of local authorities, and may contain such supplemental and consequential provisions as appear necessary or expedient.

(3) Any local authority to which this Act applies may, on such terms and conditions as they think fit and with the approval of the Minister, admit any officers or servants of—

(*a*) any local authority, not being a local authority to which this Act applies, whose area is situate

wholly or partly within the area of such first-mentioned local authority; or

(*b*) any undertakers exercising any of their powers within the area of such first-mentioned local authority under any Act of Parliament or any order having the force of an Act;

to participate in the benefits prescribed by this Act in the like manner as though they were officers and servants of such first-mentioned local authority.

Any authority or undertakers any of whose officers or servants are admitted as aforesaid shall have all such powers as may be necessary for the purpose of giving effect to such terms and conditions as aforesaid, and any payments under those terms or conditions shall be made out of the same funds, rates, or revenues as those out of which the salaries or wages of such officers or servants are paid.

Title to superannuation allowances.

6.—(1) Subject to the provisions of this Act, every officer and servant—

(*a*) who shall have completed ten years' service and shall become incapable of discharging the duties of his office or employment with efficiency by reason of permanent ill-health or infirmity of mind or body; or

(*b*) who shall have attained the age of sixty years and have completed forty years service; or

(*c*) who shall have attained the age of sixty-five years;

shall be entitled on resigning or otherwise ceasing to hold his office or employment, to receive during life a superannuation allowance according to the scale by this Act provided.

(2) Save as is otherwise by this Act provided, every such superannuation allowance shall be paid out of the superannuation fund.

(3) Where an officer or servant has attained the age of sixty-five years, he shall cease to hold his office or employment:

Provided that the local authority may, with the consent of the officer or servant, by resolution extend the period of service or employment of any such officer or servant for one year or any less period and so from time to time as they may deem expedient:

Provided also that no contribution shall be made by the local authority or by any officer or servant to the superannuation fund in respect of any such extended period, and any such extended period shall be disregarded in calculating any superannuation allowance out of the superannuation fund.

Scale of superannuation allowances.

7. Subject to the provisions of section sixteen of this Act and to any other provisions of this Act, the superannuation allowance to be made to an officer or servant under this Act shall be made out of the superannuation fund and shall be on the following scale:—

(*a*) after ten years' service, ten-sixtieths of the average amount of his salary or wages during the five years which immediately precede the day on which the officer or servant ceases to hold his office or employment, or attains the age of sixty-five years, whichever be the earlier;

(*b*) after eleven years' service, eleven-sixtieths of such average amount;

(*c*) and so on up to a maximum after forty or more years' service of forty-sixtieths of such average amount:

Provided that any part of a superannuation allowance which is calculated by reference to a war bonus or other similar allowance shall be calculated and liable to variation in accordance with the rules for the time being in force with respect to superannuation allowances of members of His Majesty's Civil Service:

Provided also that, for the purpose of calculating the superannuation allowance of a full-time officer who has formerly served as a part-time officer, the period of part-time service shall be treated as though it were whole-time service for a proportionately reduced period.

Reckoning service in case of transfer.

8.—(1) Where an officer or servant transfers from the service of one local authority who have adopted this Act, with the consent of that authority, to a designated post in the service of another local authority who have adopted this Act, within six months of leaving the service of the first-mentioned authority, and has been a contributor to the superannuation fund of that authority, the first-mentioned local authority shall pay out of the superannuation fund to the local authority to whom

the officer or servant so transfers, a transfer value ascertained in accordance with rules made for the purpose by the Minister, and in that case the officer or servant shall be entitled to such rights in respect of service before the date of transfer as he would have been entitled to if such service had been with the local authority to whom he has transferred:

Provided that any officer or servant may appeal to the Minister against the refusal of a local authority to give their consent to any such transfer, and the Minister after consulting the local authority may give his consent, which shall be equivalent to the consent of the local authority.

(2) Where an officer or servant transfers from the service of a local authority who have not adopted this Act to the service of a local authority who have adopted this Act, within six months of leaving the service of the first-mentioned authority, he shall, if he pays in lieu of transfer value a sum or sums to be ascertained in accordance with rules to be made by the Minister, be entitled to reckon service with that authority in whole or part in accordance with the amount of the sum so paid and in accordance with such rules.

(3) No service with another local authority shall be reckoned under this section unless the officer or servant transferring has, within six months after the transfer, satisfied the local authority to whom he transfers that he has been in the service of another authority or authorities.

Forfeiture for fraud &c.

9. An officer or servant who is dismissed or resigns or otherwise ceases to hold his office or employment in consequence of any offence of a fraudulent character or of grave misconduct shall forfeit all claim to any superannuation allowance under this Act:

Provided that, in the case of any such officer or servant, the local authority may, if they see fit, return to him out of the superannuation fund, or pay to his wife or family out of that fund, a sum equal to the amount of all his contributions thereto under this Act, or to such part thereof as the local authority shall think fit.

Return of contributions with interest in certain cases.

10. An officer or servant who has not become entitled to a superannuation allowance, and who loses his office or employment by reason of a reduction of staff, the abolition of his office or the termination of a joint appointment, or ceases to hold his office or employment by reason of ill-health, mental infirmity, or bodily injury, or is required to retire on marriage, shall be entitled to receive out of the superannuation fund a sum equal to the amount of all his contributions to such fund, together with compound interest thereon, calculated to the date of his loss of office or employment or resignation, at the rate of three per centum per annum by half-yearly rests.

Return of contributions without interest in certain cases.

11.—(1) In the event of an officer or servant voluntarily resigning his office or employment or being dismissed for incapacity (fraud or misconduct not being alleged) before he has, under the provisions of this Act, become entitled to a superannuation allowance, the local authority shall pay to him out of the superannuation fund a sum equal to the amount of the contributions made by such officer or servant under this Act.

(2) Notwithstanding anything in this or the last preceding section, the local authority shall not make any return of contributions with or without interest in the case of an officer or servant who transfers to the service of another local authority, where on such transfer a transfer value is paid by the first-mentioned local authority.

Return of contributions in case of death.

12.—(1) In the event of an officer or servant dying before becoming entitled to or receiving a superannuation allowance under this Act, the local authority shall pay to his legal personal representative out of the superannuation fund, a sum equal to the amount of the contributions made by such officer or servant under this Act, together with compound interest thereon, calculated to the date of his death, at the rate of three per centum per annum by half-yearly rests.

(2) In any case in which any contributor shall die, after he has become entitled to a superannuation allowance under this Act, and before he shall have received by way of superannuation allowance an amount equal in the aggregate to the amount of his contributions under this Act together with compound interest thereon

calculated to the date of his retirement at the rate of three per centum per annum by half-yearly rests, the local authority shall pay to his legal personal representative out of the superannuation fund the difference between the total amount which such contributor has received by way of superannuation allowance and the aggregate amount of his contributions under this Act, together with compound interest thereon at the rate and calculated as aforesaid up to the date of his retirement.

Notice of certain proposals.

13. At least one month's notice in writing shall be given to every member of the local authority of the meeting at which any proposal to return contributions to an officer or servant who has been dismissed or resigns or to make any payment in accordance with the provisions of section nine of this Act or any proposal to grant a gratuity under this Act will be considered.

Allowance not assignable.

14. Every superannuation allowance or gratuity granted under this Act shall be payable to or in trust for the officer or servant, and shall not be assignable or chargeable with his debts or other liabilities.

Officers and servants to contribute.

15.—(1) Subject to the provisions of this Act, every officer and servant shall, as from the appointed day, contribute to the superannuation fund an amount equal to five per centum of his salary or wages which amount shall be deducted from the salary or wages payable to him by the local authority or person paying the same, and shall be carried to the credit of and form part of the superannuation fund.

(2) Subject to the provisions of subsection (2) of section eight of this Act, nothing in this Act shall require any officer or servant to make any contribution for the purposes of this Act in respect of any period previous to the appointed day.

(3) The provisions of this section shall not apply to any officer or servant who is fifty-five years of age or more on the appointed day or at the date of his appointment, and no such officer or servant shall contribute for the purposes thereof, unless such officer or servant shall be appointed after the appointed day, and his service or any part of his service with any other local authority is, under the provisions of this Act, reckoned as contributing service.

Allowance for previous service.

16.—(1) Non-contributing service shall be reckoned for determining whether an officer or servant is entitled to a superannuation allowance under this Act, and, in calculating the superannuation allowance of any officer or servant who is so entitled, his allowance in respect of his non-contributing service shall be at the rate of one one-hundred-and-twentieth (or in the case of any officer or servant in which the local authority by resolution so decide at such rate as the local authority may determine, not exceeding the rate of one-sixtieth) of the average amount of his salary or wages for the last five years of his service in respect of each year (not exceeding forty years) of his service, and, in reckoning the non-contributing service of any officer or servant, any portion of a year during which such officer or servant has served for more than six months shall be reckoned as a year:

Provided that the amount of any superannuation allowance granted in respect of non-contributing service, so far as it exceeds one one-hundred-and-twentieth of such average amount as aforesaid in respect of each year of service, shall not be paid out of the superannuation fund but shall be chargeable upon the same funds, rates and revenues as those upon which the salary or wages of the officer or servant to whom the allowance is granted are charged.

(2) In the case of an officer or servant of a local authority adopting this Act, no period of service with any other local authority shall be reckoned for the purposes of this Act unless such officer or servant shall, within six months from the appointed day, prove to the reasonable satisfaction of the local authority employing such officer or servant that he has been in the service of any such authority.

(3) Notwithstanding anything to the contrary contained in this Act, an officer or servant who has served successively as a teacher and on an administrative staff shall have the years of service which would be recognised under any Act for the time being relating to the superannuation of school teachers recognised for the purposes of this Act as if such service had been wholly on an administrative staff:

Provided that any such last-mentioned officer or servant shall not be entitled to any greater superannuation allowance from the local authority under this Act

than shall be sufficient, together with any superannuation allowance under any such Act as aforesaid, to make up the amount to which he would have been entitled had his service been wholly on the administrative staff of such local authority, and, for the purpose of this section, account shall be taken in such manner as the Minister shall prescribe of any capital sum paid or payable to the officer or servant under the provisions of any such Act.

(4) In the case of an officer or servant occupying a designated post on the appointed day who is fifty-five years of age or more on that day, service after the appointed day in a designated post shall be deemed to be non-contributing service.

Contributors for less than ten years.

17. If any officer or servant in service on the appointed day—

(*a*) retires after contributing service of less than ten years, owing to his becoming incapable of discharging the duties of his office or employment with efficiency by reason of permanent ill-health or infirmity of mind or body, or

(*b*) retires after having attained the age of sixty years and after a contributing service of less than ten years,

the period of his contributing service shall be reckoned as non-contributing service and shall be added to the period of non-contributing service for the purpose of calculating any superannuation allowance under this Act, and he shall also be entitled to receive from the superannuation fund a sum equal to the aggregate amount of his contributions under this Act, together with compound interest thereon calculated to the date of his retirement at the rate of three per centum per annum by half-yearly rests.

Superannuation fund.

18.—(1) The local authority shall establish and administer a superannuation fund, to which shall be carried and credited in each year—

(*a*) the amounts deducted in such year under the provisions of this Act from the salaries and wages of officers and servants contributing to the superannuation fund;

(*b*) a sum equal in amount to the sum which during such year has been contributed to the superannuation fund by officers or servants (in this Act referred to as "the equivalent contribution") and such further sums, if any, as the local authority may become liable to carry and contribute thereto under the provisions of this Act;

(*c*) all dividends and interest arising in such year out of the investment or use of the superannuation fund or any part thereof;

(*d*) the amount of any transfer values or payments in lieu of transfer values received by the local authority under this Act; and

(*e*) such amount as may be certified by an actuary, as soon as may be after the appointed day, as necessary in order that the superannuation fund may be solvent, to be calculated so as to cast upon the local authority, so far as may be, an equal annual charge for a period not exceeding forty years from the appointed day.

(2) The equivalent contribution and the equal annual charge shall be made out of the same funds, rates, and revenues as those upon which the salaries or wages from which the said amounts so deducted are charged.

Actuarial investigation.

19.—(1) Once at least in every five years the condition of the superannuation fund shall be submitted by the local authority to an actuary, who shall consider the same and shall make an actuarial valuation of the assets and liabilities of the superannuation fund.

(2) Where on any such valuation the actuary certifies that a deficiency or a disposable surplus is disclosed, the local authority shall submit to the Minister a scheme for making good the deficiency by means of payments by the local authority into the superannuation fund, or by means of an increase in the contributions as provided by this Act of the local authority, or (as the case may require) for disposing of the surplus by reducing those contributions.

(3) Where on any such valuation the actuary certifies that in order to maintain an equality of value, as respects persons becoming contributors after the date of the scheme, between the amounts to be contributed

by or in respect of such persons and the amounts of benefit to which such persons will become entitled, it is expedient to increase or decrease the contribution as provided by this Act in respect of such persons, provision may be made by the scheme for such increase or decrease as the case may require, to be applied in equal proportions as between the local authority and such persons.

(4) Where any such scheme is approved by the Minister, this Act shall have effect subject to the provisions of the scheme.

(5) The local authority shall send a copy of the actuary's report to the Minister, and, if within six months of the receipt of such report the local authority fail to submit a scheme under this section, or to submit a scheme of which the Minister approves, the Minister may himself make a scheme, which shall have the same effect as a scheme submitted by the local authority and approved by him.

Use of moneys of superannuation fund.

20. The local authority may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of the superannuation fund and not for the time being required for payments to be made under this Act, subject to the following conditions:—

(*a*) The moneys so used shall be repaid to the superannuation fund within the period, by the methods and out of the fund, rate, or revenue within, by and out of which a loan raised under the statutory borrowing power would be repayable;

(*b*) Interest shall be paid to the superannuation fund on any moneys so used and for the time being not repaid to the fund. Such interest shall be calculated at a rate per centum per annum to be determined by the local authority and equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power, and shall be paid out of the fund, rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power; and

(*c*) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power.

Investment of surplus income.

21. The surplus of the annual income of the superannuation fund above the expenditure thereout shall from time to time be invested in securities in which trustees are authorised to invest, or be used in the manner hereinbefore provided, and the income arising from time to time from such investment or use shall be paid into that fund.

Arbitration.

22. Any question which may arise between the local authority and any officer or servant as to the right to or the amount of a superannuation allowance, or the right to any return of contributions under this Act, or the amount of the contribution of such officer or servant shall, in default of agreement, be referred to and determined by an arbitrator to be agreed upon between the local authority and such officer or servant, or, failing such agreement, appointed by the Minister, and subject as aforesaid the provisions of the Arbitration Act, 1889, shall apply to any such reference.

52 & 53 Vict. c. 49.

Gratuities.

23.—(1) The local authority may, in any case in which an officer or servant is permanently incapacitated by an injury sustained by him in the actual discharge of his duty and without his own default, and specifically attributable to the nature of his duty, grant to such officer or servant, subject to such conditions as they may think fit, such gratuity either by way of a lump sum or periodical payments as they may consider reasonable having regard to all the circumstances of the case, including any statutory right to compensation or any allowance or gratuity under this Act, so however that the sums received by him shall not exceed in the aggregate the amount of any allowance or gratuity to which he would have been entitled if he had already attained the age of sixty-five at the date when he became incapacitated.

(2) The local authority may grant to any officer or servant who is not entitled to a superannuation allowance under this Act, on his retiring from service, such gratuity as the local authority may by resolution

determine, not exceeding a sum equal to twice the amount of the salary or wages of such officer or servant during the year which immediately precedes his retirement.

(3) Any gratuity granted under this section shall not be paid out of the superannuation fund, but shall be chargeable upon the same funds, rates, and revenues as those upon which the salary or wages of the officer or servant to whom the gratuity is granted are charged.

Scheme to be submitted where Act adopted by local authority having a superannuation fund in operation.

24.—(1) If this Act be adopted by a local authority having any superannuation scheme or other scheme for ensuring benefits to an officer or servant on retirement in operation, such local authority shall prepare a scheme for substituting for such superannuation scheme a superannuation fund or scheme under the provisions of this Act, with such modifications and adaptations as may be required, and providing for (among other things) the application, transfer, or disposal of any then existing funds, securities, or policies of insurance or the proceeds thereof, and for adequately protecting the rights and interests of the various parties interested in such first mentioned scheme.

(2) A scheme under this section shall be submitted by the local authority to the Minister for his approval, and this Act shall not become operative in the case of such local authority until such scheme, with or without modification, shall have been approved by the Minister.

Payments and expenses under Act.

25. Any payments or expenses made or incurred by any local authority under the provisions of this Act or in carrying the provisions of this Act into execution, and not otherwise provided for, shall, in the case of any officer or servant in respect of whom any payment or expense is made or incurred, be paid out of the same funds, rates, or revenues as those upon which the salary or wages of such officer or servant is or are charged, and, subject as aforesaid, shall be made and paid out of such fund, rate, or revenue as such local authority shall determine.

Saving in respect of Exchequer grants.

26. Nothing in this Act shall entitle a local authority to any payment out of moneys provided by Parliament towards any contribution made by them to a superannuation fund.

Act not to apply to certain Poor Law authorities, officers, &c. 59 & 60 Vict. c. 50.

27. This Act shall not apply to any guardians or managers of district schools and sick asylums to whom the Poor Law Officers' Superannuation Act, 1896, applies, or to the managers of the Metropolitan Asylums District, or to any officer or servant as respectively defined in that Act in respect of service in the employment of any such guardians or managers.

Provision as to existing clerks of the peace.

28.—(1) This Act shall apply in the case of a clerk of the peace or deputy clerk of the peace, and to any person in the permanent employment of a clerk of the peace for the purposes of any office held by him as such clerk, as though such clerk, deputy clerk, or person were in the service of the county council:

Provided that—

(*a*) any clerk of the peace holding office upon the appointed day shall be entitled by notice in writing to the county council within six months from the appointed day to elect to continue to hold office upon the same terms as he held immediately before the appointed day, and this Act shall not apply to any such clerk of the peace who has given such notice; and

(*b*) the county council may, in designating any person employed as aforesaid by a clerk of the peace, make such conditions with regard to increases of salary after the appointed day and the date of retirement of such persons as they may think fit.

(2) Save as otherwise expressly provided in section six of this Act, nothing in this Act shall affect the tenure of office of any clerk of the peace to whom this Act applies.

Saving for Superannuation (Metropolis) Act. 29 & 30 Vict. c. 31.

29.—(1) Notwithstanding anything contained in this Act, or the adoption of this Act by any local authority, the Superannuation (Metropolis) Act, 1866, shall continue to apply and have effect in the case of officers or servants in the service on the appointed day of any local authority to which the said Act of 1866 applies, and any such officer or servant shall not be deemed to be an officer or servant for the purposes of this Act:

Provided that at any time within six months after the appointed day any such officer or servant may signify in writing to such local authority his desire to become an officer or servant for the purposes of this Act, and thereupon the said Act of 1866 shall cease to apply in the case of such officer or servant as from the appointed day, and such officer or servant shall be deemed to be and to have been an officer or servant for the purposes of this Act.

(2) Where this Act is adopted by a local authority to whom the said Act of 1866 applies, a scheme made under section twenty-four of this Act may provide that any allowances already granted under the said Act may as from the appointed day be charged upon the superannuation fund.

Saving for express provisions affecting officers or servants.

30. Nothing in this Act shall prejudice or affect any express provision contained in any Act of Parliament or any order confirmed by or having the effect of an Act of Parliament relative to any superannuation or retiring allowance or any other allowance of a similar character in the case of any officer or servant referred to in such provision.

Application.

31.—(1) This Act shall not apply to Ireland.

(2) This Act, in its application to Scotland, shall be subject to the following modifications:—

(*a*) "The Secretary for Scotland" shall be substituted for the Minister of Health.

(*b*) "Local authority" means any county council, town council, parish council, education authority, or district board of control, and includes any combination of local authorities under this Act:

Provided that no local authority or combination of local authorities shall be entitled to adopt this Act unless there are in the service of such authority or of the authorities so combining, as the case may be, not less than fifty officers or servants occupying posts proposed to be designated as established posts for the purposes of this Act.

(*c*) Subsection (1) of section five of this Act shall apply to the councils of any two or more adjoining counties in like manner as it applies to the local authorities therein mentioned, and subsection (3) of the said section shall apply to the officers or servants of any local authority within the meaning of the Local Authorities Loans (Scotland) Act, 1891.

54 & 55 Vict. c. 34.

(*d*) This Act shall not apply to any county or town clerk who shall be fifty-five years of age or more at the appointed day, or to the town clerk of any royal burgh holding office at the appointed day, if within six months after such appointed day he gives notice in writing to the council of his desire to continue to hold his office on the same terms as he held it prior to the appointed day.

(*e*) Section twenty-eight of this Act and the reference to the Arbitration Act, 1889, shall not apply.

Short title.

32. This Act may be cited as the Local Government and other Officers' Superannuation Act, 1922.

CHAPTER 60.

An Act to amend the law relating to Chancery Lunatics. [4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Substitution of Master and Assistant Master for two Masters in Lunacy.

1.—(1) Instead of two Masters in Lunacy there shall be a single Master in Lunacy who shall be assisted by one of his officers and that officer shall be termed the Assistant Master in Lunacy.

(2) The Assistant Master in Lunacy shall, subject to rules in lunacy and the directions of the Master, be capable of exercising the jurisdiction of the Master as regards administration and management.

(3) No person shall be qualified to be appointed assistant master unless he is at the time of his appointment either an officer of the Master or a barrister or solicitor of not less than five years' standing. The appointment of the assistant master shall be made by the Lord Chancellor.

Amendments as to procedure.

2.—(1) Any jurisdiction which may be exercised by the Judge or Master in the case of a lunatic not so found by inquisition may be exercised by the Judge or Master in the case of a lunatic so found.

52 & 53 Vict. c. 5.

(2) Sections one hundred and thirty-three to one hundred and forty-three (inclusive) of the Lunacy Act, 1890 (as amended by any subsequent enactment), shall apply and extend to trustees and mortgagees who are criminal lunatics.

(3) The power of the High Court to make orders under sections one hundred and thirty-five to one hundred and forty-three (inclusive) of the said Act (as amended by any subsequent enactment) in relation to lunatics who are mortgagees shall extend to cases where—

(*a*) the lunatic is a trustee of part only of the mortgage money, and notwithstanding that he is beneficially interested in any part thereof; and

(*b*) the lunatic has become a trustee of the mortgaged property merely by reason of the mortgage money having been paid off;

and in those cases the Judge in Lunacy shall have no jurisdiction.

(4) Proceedings in the High Court under those sections one hundred and thirty-five to one hundred and forty-three (as amended) shall be entitled in the matter of the Trustee Act, 1893.

56 & 57 Vict. c. 53.

(5) Where money has been lent or advanced on mortgage by two or more persons jointly, and one such person is a lunatic, the lunatic mortgagee, for the purposes of section one of the Lunacy Act, 1911, shall not be deemed to be a mortgagee who is also a trustee.

1 & 2 Geo. 5. c. 40.

(6) Where there are proceeds of sale of copyhold or customary lands standing in court to the credit of the estate of a lunatic, the proceeds may, on the death of the lunatic, be paid out to his legal personal representative,

without the necessity of obtaining the consent of the customary heir or any other person; but nothing in this provision shall prejudice any beneficial interest of any person in such proceeds.

(7) The indemnity conferred by section three hundred and thirty-three of the Lunacy Act, 1890, on the Bank of England and other persons for acts and things done or permitted to be done pursuant to that Act or an order purporting to be made thereunder shall extend to acts and things done or permitted to be done pursuant to any certificate, direction or authority made or given by the Judge or the Master under that Act.

54 & 55 Vict. c. 65.

(8) Amongst the powers which by virtue of section twenty-seven of the Lunacy Act, 1891, may be exercised by the Master there shall be included the power of making orders for the purpose of preserving so far as possible in the administration of the property of the lunatic the quality, tenure and devolution of the property.

Short title and construction.

3.—(1) This Act may be cited as the Lunacy Act, 1922, and shall be construed as one with the Lunacy Acts, 1890 to 1911, and those Acts and this Act may be cited together as the Lunacy Acts, 1890 to 1922.

(2) This Act shall not apply to Scotland or Ireland.

SESSION 2.

CHAPTER 1.

An Act to provide for the Constitution of the Irish Free State. [5th December 1922.]

WHEREAS the House of the Parliament constituted pursuant to the Irish Free State (Agreement) Act, 1922, sitting as a Constituent Assembly for the settlement of the Constitution of the Irish Free State, has passed the Measure (hereinafter referred to as "the Constituent Act") set forth in the Schedule to this Act, whereby the Constitution appearing as the First Schedule to the Constituent Act is declared to be the Constitution of the Irish Free State:

And whereas by the Constituent Act the said Constitution is made subject to the following provisions, namely:—

> "The said Constitution shall be construed with reference to the Articles of Agreement for a Treaty between Great Britain and Ireland set forth in the Second Schedule hereto annexed (hereinafter referred to as the Scheduled Treaty) which are hereby given the force of law, and if any provision of the said Constitution or of any amendment thereof or of any law made thereunder is in any respect repugnant to any of the provisions of the Scheduled Treaty, it shall, to the extent only of such repugnancy, be absolutely void and inoperative and the Parliament and the Executive Council of the Irish Free State shall respectively pass such further legislation and do all such other things as may be necessary to implement the Scheduled Treaty."

And whereas by Article seventy-four of the said Constitution provision is made for the continuance within the Irish Free State of existing taxation in respect of the current present financial year and any preceding

financial year, and in respect of any period ending or occasion happening within those years, and it is expedient to make a corresponding provision with respect to taxation within the rest of the United Kingdom :

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows :—

Constitution of Irish Free State.

1. The Constitution set forth in the First Schedule to the Constituent Act shall, subject to the provisions to which the same is by the Constituent Act so made subject as aforesaid, be the Constitution of the Irish Free State, and shall come into operation on the same being proclaimed by His Majesty in accordance with Article eighty-three of the said Constitution, but His Majesty may at any time after the proclamation appoint a Governor-General for the Irish Free State.

Temporary continuation of present system of taxation.

2.—(1) In relation to taxes and duties, so far as leviable outside the Irish Free State, the following provisions shall have effect :—

(*a*) The establishment of the Irish Free State shall not affect any liability to pay any tax or duty payable in respect of the current or any preceding financial year, or in respect of any period ending on or before the last day of the current financial year, or payable on any occasion happening within the current or any preceding financial year, or the amount of such liability, and all such taxes and duties as aforesaid and arrears thereof shall continue to be assessed, levied, and collected and all payments and allowances of such taxes and duties shall continue to be made in like manner in all respects as immediately before the establishment of the Irish Free State, subject to the like adjustments of the proceeds collected as were theretofore applicable.

(*b*) Goods transported during the current financial year from or to the Irish Free State to or from any other part of the United Kingdom or the

Isle of Man shall not, except in respect of the forms to be used and the information to be furnished, be treated as goods imported or exported as the case may be.

(2) If an arrangement is made with the Irish Free State for an extension of the provisions of this section as respects all or any taxes and duties to the next ensuing financial year or any part thereof, it shall be lawful for His Majesty, if a resolution to that effect is passed by the Commons House of Parliament, by Order in Council to extend the provisions of this section so as to apply, in the case of the taxes and duties to which the arrangement relates, in respect to the next ensuing financial year or part thereof in like manner as it applies in respect to the current financial year.

(3) For the purposes of this section, the expression "financial year" means, as respects income tax (including super-tax), the year of assessment, and as respects other taxes and duties, the year ending on the thirty-first day of March.

Power of Irish Free State to adopt Acts applicable to other dominions.

3. If the Parliament of the Irish Free State make provision to that effect, any Act passed before the passing of this Act which applies to or may be applied to self-governing Dominions, whether alone or to such Dominions and other parts of His Majesty's Dominions, shall apply or may be applied to the Irish Free State in like manner as it applies or may be applied to self-governing Dominions.

Saving.

4. Nothing in the said Constitution shall be construed as prejudicing the power of Parliament to make laws affecting the Irish Free State in any case where, in accordance with constitutional practice, Parliament would make laws affecting other self-governing Dominions.

Short title and effect.

5. This Act may be cited as the Irish Free State Constitution Act, 1922 (Session 2), and shall be deemed to be the Act of Parliament for the ratification of the said Articles of Agreement as from the passing whereof the month mentioned in Article eleven of the said Articles is to run.

SCHEDULE.

CONSTITUENT ACT.

DÁIL EIREANN sitting as a Constituent Assembly in this Provisional Parliament, acknowledging that all lawful authority comes from God to the people and in the confidence that the National life and unity of Ireland shall thus be restored, hereby proclaims the establishment of The Irish Free State (otherwise called Saorstát Eireann) and in the exercise of undoubted right, decrees and enacts as follows :—

1. The Constitution set forth in the First Schedule hereto annexed shall be the Constitution of The Irish Free State (Saorstát Eireann).

2. The said Constitution shall be construed with reference to the Articles of Agreement for a Treaty between Great Britain and Ireland set forth in the Second Schedule hereto annexed (hereinafter referred to as " the Scheduled Treaty ") which are hereby given the force of law, and if any provision of the said Constitution or of any amendment thereof or of any law made thereunder is in any respect repugnant to any of the provisions of the Scheduled Treaty, it shall, to the extent only of such repugnancy, be absolutely void and inoperative and the Parliament and the Executive Council of the Irish Free State (Saorstát Eireann) shall respectively pass such further legislation and do all such other things as may be necessary to implement the Scheduled Treaty.

3. This Act may be cited for all purposes as the Constitution of The Irish Free State (Saorstát Eireann) Act, 1922.

FIRST SCHEDULE ABOVE REFERRED TO.

CONSTITUTION OF THE IRISH FREE STATE. (SAORSTÁT EIREANN.)

Article 1.

The Irish Free State (otherwise hereinafter called or sometimes called Saorstát Eireann) is a co-equal member of the Community of Nations forming the British Commonwealth of Nations.

Article 2.

All powers of government and all authority legislative, executive, and judicial in Ireland, are derived from the people of

Ireland and the same shall be exercised in the Irish Free State (Saorstát Eireann) through the organisations established by or under, and in accord with, this Constitution.

Article 3.

Every person, without distinction of sex, domiciled in the area of the jurisdiction of the Irish Free State (Saorstát Eireann) at the time of the coming into operation of this Constitution who was born in Ireland or either of whose parents was born in Ireland or who has been ordinarily resident in the area of the jurisdiction of the Irish Free State (Saorstát Eireann) for not less than seven years, is a citizen of the Irish Free State (Saorstát Eireann) and shall within the limits of the jurisdiction of the Irish Free State (Saorstát Eireann) enjoy the privileges and be subject to the obligations of such citizenship: Provided that any such person being a citizen of another State may elect not to accept the citizenship hereby conferred; and the conditions governing the future acquisition and termination of citizenship in the Irish Free State (Saorstát Eireann) shall be determined by law.

Article 4.

The National language of the Irish Free State (Saorstát Eireann) is the Irish language, but the English language shall be equally recognised as an official language. Nothing in this Article shall prevent special provisions being made by the Parliament of the Irish Free State (otherwise called and herein generally referred to as the "Oireachtas") for districts or areas in which only one language is in general use.

Article 5.

No title of honour in respect of any services rendered in or in relation to the Irish Free State (Saorstát Eireann) may be conferred on any citizen of the Irish Free State (Saorstát Eireann) except with the approval or upon the advice of the Executive Council of the State.

Article 6.

The liberty of the person is inviolable, and no person shall be deprived of his liberty except in accordance with law. Upon complaint made by or on behalf of any person that he is being unlawfully detained, the High Court and any and every judge thereof shall forthwith enquire into the same and may make an order requiring the person in whose custody such person shall be detained to produce the body of the person so detained before such Court or judge without delay and to certify in writing as to the cause of the detention and such Court or judge shall thereupon order the release of such person unless satisfied that he is being detained in accordance with the law:

Provided, however, that nothing in this Article contained shall be invoked to prohibit control or interfere with any act of the military forces of the Irish Free State (Saorstát Eireann) during the existence of a state of war or armed rebellion.

Article 7.

The dwelling of each citizen is inviolable and shall not be forcibly entered except in accordance with law.

Article 8.

Freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen, and no law may be made either directly or indirectly to endow any religion, or prohibit or restrict the free exercise thereof or give any preference, or impose any disability on account of religious belief or religious status, or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at the school, or make any discrimination as respects State aid between schools under the management of different religious denominations, or divert from any religious denomination or any educational institution any of its property except for the purpose of roads, railways, lighting, water or drainage works or other works of public utility, and on payment of compensation.

Article 9.

The right of free expression of opinion as well as the right to assemble peaceably and without arms, and to form associations or unions is guaranteed for purposes not opposed to public morality. Laws regulating the manner in which the right of forming associations and the right of free assembly may be exercised shall contain no political, religious or class distinction.

Article 10.

All citizens of the Irish Free State (Saorstát Eireann) have the right to free elementary education.

Article 11.

All the lands and waters, mines and minerals, within the territory of the Irish Free State (Saorstát Eireann) hitherto vested in the State, or any department thereof, or held for the public use or benefit, and also all the natural resources of the same territory (including the air and all forms of potential energy), and also all royalities and franchises within that territory shall, from and after the date of the coming into operation of this Constitution, belong to the Irish Free State (Saorstát Eireann), subject to any trusts, grants, leases or concessions then existing in respect thereof, or any valid private interest therein, and

shall be controlled and administered by the Oireachtas, in accordance with such regulations and provisions as shall be from time to time approved by legislation, but the same shall not, nor shall any part thereof, be alienated, but may in the public interest be from time to time granted by way of lease or licence to be worked or enjoyed under the authority and subject to the control of the Oireachtas: Provided that no such lease or licence may be made for a term exceeding ninety-nine years, beginning from the date thereof, and no such lease or licence may be renewable by the terms thereof.

Article 12.

A Legislature is hereby created to be known as the Oireachtas. It shall consist of the King and two Houses, the Chamber of Deputies (otherwise called and herein generally referred to as "Dáil Eireann") and the Senate (otherwise called and herein generally referred to as "Seanad Eireann"). The sole and exclusive power of making laws for the peace, order and good government of the Irish Free State (Saorstát Eireann) is vested in the Oireachtas.

Article 13.

The Oireachtas shall sit in or near the city of Dublin or in such other place as from time to time it may determine.

Article 14.

All citizens of the Irish Free State (Saorstát Eireann) without distinction of sex, who have reached the age of twenty-one years and who comply with the provisions of the prevailing electoral laws, shall have the right to vote for members of Dáil Eireann, and to take part in the Referendum and Initiative. All citizens of the Irish Free State (Saorstát Eireann) without distinction of sex who have reached the age of thirty years and who comply with the provisions of the prevailing electoral laws, shall have the right to vote for members of Seanad Eireann. No voter may exercise more than one vote at an election to either House and the voting shall be by secret ballot. The mode and place of exercising this right shall be determined by law.

Article 15.

Every citizen who has reached the age of twenty-one years and who is not placed under disability or incapacity by the Constitution or by law shall be eligible to become a member of Dáil Eireann.

Article 16.

No person may be at the same time a member both of Dáil Eireann and of Seanad Eireann and if any person who is already

a member of either House is elected to be a member of the other House, he shall forthwith be deemed to have vacated his first seat.

Article 17.

The oath to be taken by members of the Oireachtas shall be in the following form :—

> I ..... do solemnly swear true faith and allegiance to the Constitution of the Irish Free State as by law established, and that I will be faithful to H.M. King George V., his heirs and successors by law in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations.

Such oath shall be taken and subscribed by every member of the Oireachtas before taking his seat therein before the Representative of the Crown or some person authorised by him.

Article 18.

Every member of the Oireachtas shall, except in case of treason, felony, or breach of the peace, be privileged from arrest in going to and returning from, and while within the precincts of either House, and shall not, in respect of any utterance in either House, be amenable to any action or proceeding in any Court other than the House itself.

Article 19.

All official reports and publications of the Oireachtas or of either House thereof shall be privileged and utterances made in either House wherever published shall be privileged.

Article 20.

Each House shall make its own Rules and Standing Orders, with power to attach penalties for their infringement and shall have power to ensure freedom of debate, to protect its official documents and the private papers of its members, and to protect itself and its members against any person or persons interfering with, molesting or attempting to corrupt its members in the exercise of their duties.

Article 21.

Each House shall elect its own Chairman and Deputy Chairman and shall prescribe their powers, duties, remuneration, and terms of office.

Article 22.

All matters in each House shall, save as otherwise provided by this Constitution, be determined by a majority of the votes

of the members present other than the Chairman or presiding member, who shall have and exercise a casting vote in the case of an equality of votes. The number of members necessary to constitute a meeting of either House for the exercise of its powers shall be determined by its Standing Orders.

Article 23.

The Oireachtas shall make provision for the payment of its members and may in addition provide them with free travelling facilities in any part of Ireland.

Article 24.

The Oireachtas shall hold at least one session each year. The Oireachtas shall be summoned and dissolved by the Representative of the Crown in the name of the King and subject as aforesaid Dáil Eireann shall fix the date of re-assembly of the Oireachtas and the date of the conclusion of the session of each House: Provided that the sessions of Seanad Eireann shall not be concluded without its own consent.

Article 25.

Sittings of each House of the Oireachtas shall be public. In cases of special emergency either House may hold a private sitting with the assent of two-thirds of the members present.

Article 26.

Dáil Eireann shall be composed of members who represent constituencies determined by law. The number of members shall be fixed from time to time by the Oireachtas, but the total number of members of Dáil Eireann (exclusive of members for the Universities) shall not be fixed at less than one member for each thirty thousand of the population, or at more than one member for each twenty thousand of the population: Provided that the proportion between the number of members to be elected at any time for each constituency and the population of each constituency, as ascertained at the last preceding census, shall, so far as possible, be identical throughout the country. The members shall be elected upon principles of Proportional Representation. The Oireachtas shall revise the constituencies at least once in every ten years, with due regard to changes in distribution of the population, but any alterations in the constituencies shall not take effect during the life of Dáil Eireann sitting when such revision is made.

Article 27.

Each University in the Irish Free State (Saorstát Eireann) which was in existence at the date of the coming into operation of this Constitution, shall be entitled to elect three representatives

to Dáil Eireann upon a franchise and in a manner to be prescribed by law.

Article 28.

At a General Election for Dáil Eireann the polls (exclusive of those for members for the Universities) shall be held on the same day throughout the country, and that day shall be a day not later than thirty days after the date of the dissolution and shall be proclaimed a public holiday. Dáil Eireann shall meet within one month of such day, and shall unless earlier dissolved continue for four years from the date of its first meeting, and not longer. Dáil Eireann may not at any time be dissolved except on the advice of the Executive Council.

Article 29.

In case of death, resignation or disqualification of a member of Dáil Eireann, the vacancy shall be filled by election in manner to be determined by law.

Article 30.

Seanad Eireann shall be composed of citizens who shall be proposed on the grounds that they have done honour to the Nation by reason of useful public service or that, because of special qualifications or attainments, they represent important aspects of the Nation's life.

Article 31.

The number of members of Seanad Eireann shall be sixty. A citizen to be eligible for membership of Seanad Eireann must be a person eligible to become a member of Dáil Eireann, and must have reached the age of thirty-five years. Subject to any provision for the constitution of the first Seanad Eireann the term of office of a member of Seanad Eireann shall be twelve years.

Article 32.

One-fourth of the members of Seanad Eireann shall be elected every three years from a panel constituted as hereinafter mentioned at an election at which the area of the jurisdiction of the Irish Free State (Saorstát Eireann) shall form one electoral area, and the elections shall be held on principles of Proportional Representation.

Article 33.

Before each election of members of Seanad Eireann a panel shall be formed consisting of :—

(*a*) Three times as many qualified persons as there are members to be elected, of whom two-thirds shall be nominated by Dáil Eireann voting according to principles of Proportional Representation and one-third shall be

nominated by Seanad Eireann voting according to principles of Proportional Representation; and

(*b*) Such persons who have at any time been members of Seanad Eireann (including members about to retire) as signify by notice in writing addressed to the President of the Executive Council their desire to be included in the panel.

The method of proposal and selection for nomination shall be decided by Dáil Eireann and Seanad Eireann respectively, with special reference to the necessity for arranging for the representation of important interests and institutions in the country: Provided that each proposal shall be in writing and shall state the qualifications of the person proposed and that no person shall be proposed without his own consent. As soon as the panel has been formed a list of the names of the members of the panel arranged in alphabetical order with their qualifications shall be published.

Article 34.

In case of the death, resignation or disqualification of a member of the Seanad Eireann his place shall be filled by a vote of Seanad Eireann. Any member of Seanad Eireann so chosen shall retire from office at the conclusion of the three years period then running and the vacancy thus created shall be additional to the places to be filled under Article 32 of this Constitution. The term of office of the members chosen at the election after the first fifteen elected shall conclude at the end of the period or periods at which the member or members of Seanad Eireann, by whose death or withdrawal the vacancy or vacancies was or were originally created, would be due to retire: Provided that the sixteenth member shall be deemed to have filled the vacancy first created in order of time and so on.

Article 35.

Dáil Eireann shall in relation to the subject matter of Money Bills as hereinafter defined have legislative authority exclusive of Seanad Eireann.

A Money Bill means a Bill which contains only provisions dealing with all or any of the following subjects, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on public moneys or the variation or repeal of any such charges; supply; the appropriation, receipt, custody, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; subordinate matters incidental to those subjects or any of them. In this definition the expression "taxation," "public money" and "loan" respectively do not include any taxation, money or loan raised by local authorities or bodies for local purposes.

The Chairman of Dáil Eireann shall certify any Bill which in his opinion is a Money Bill to be a Money Bill, but, if within three days after a Bill has been passed by Dáil Eireann, two-fifths of the members of either House by notice in writing addressed to the Chairman of the House of which they are members so require, the question whether the Bill is or is not a Money Bill shall be referred to a Committee of Privileges consisting of three members elected by each House with a Chairman who shall be the senior judge of the Supreme Court able and willing to act, and who, in the case of an equality of votes, but not otherwise, shall be entitled to vote. The decision of the Committee on the question shall be final and conclusive.

Article 36.

Dáil Eireann shall as soon as possible after the commencement of each financial year consider the Estimates of receipts and expenditure of the Irish Free State (Saorstát Eireann) for that year, and, save in so far as may be provided by specific enactment in each case, the legislation required to give effect to the Financial Resolutions of each year shall be enacted within that year.

Article 37.

Money shall not be appropriated by vote, resolution or law, unless the purpose of the appropriation has in the same session been recommended by a message from the Representative of the Crown acting on the advice of the Executive Council.

Article 38.

Every Bill initiated in and passed by Dáil Eireann shall be sent to Seanad Eireann and may, unless it be a Money Bill, be amended in Seanad Eireann and Dáil Eireann shall consider any such amendment; but a Bill passed by Dáil Eireann and considered by Seanad Eireann shall, not later than two hundred and seventy days after it shall have been first sent to Seanad Eireann, or such longer period as may be agreed upon by the two Houses, be deemed to be passed by both Houses in the form in which it was last passed by Dáil Eireann: Provided that every Money Bill shall be sent to Seanad Eireann for its recommendations and at a period not longer than twenty-one days after it shall have been sent to Seanad Eireann, it shall be returned to Dáil Eireann which may pass it, accepting or rejecting all or any of the recommendations of Seanad Eireann, and as so passed or if not returned within such period of twenty-one days shall be deemed to have been passed by both Houses. When a Bill other than a Money Bill has been sent to Seanad Eireann a Joint Sitting of the Members of both Houses may on a resolution passed by Seanad Eireann be convened for the purpose of debating, but not of voting upon, the proposals of the Bill or any amendment of the same.

Article 39.

A Bill may be initiated in Seanad Eireann and if passed by Seanad Eireann shall be introduced into Dáil Eireann. If amended by Dáil Eireann the Bill shall be considered as a Bill initiated in Dáil Eireann. If rejected by Dáil Eireann it shall not be introduced again in the same session, but Dáil Eireann may reconsider it on its own motion.

Article 40.

A Bill passed by either House and accepted by the other House shall be deemed to be passed by both Houses.

Article 41.

So soon as any Bill shall have been passed or deemed to have been passed by both Houses, the Executive Council shall present the same to the Representative of the Crown for the signification by him, in the King's name, of the King's assent, and such Representative may withhold the King's assent or reserve the Bill for the signification of the King's pleasure: Provided that the Representative of the Crown shall in the withholding of such assent to or the reservation of any Bill, act in accordance with the law, practice, and constitutional usage governing the like withholding of assent or reservation in the Dominion of Canada.

A Bill reserved for the signification of the King's Pleasure shall not have any force unless and until within one year from the day on which it was presented to the Representative of the Crown for the King's Assent, the Representative of the Crown signifies by speech or message to each of the Houses of the Oireachtas, or by proclamation, that it has received the Assent of the King in Council.

An entry of every such speech, message or proclamation shall be made in the Journal of each House and a duplicate thereof duly attested shall be delivered to the proper officer to be kept among the Records of the Irish Free State (Saorstát Eireann).

Article 42.

As soon as may be after any law has received the King's assent, the clerk, or such officer as Dáil Eireann may appoint for the purpose, shall cause two fair copies of such law to be made, one being in the Irish language and the other in the English language (one of which copies shall be signed by the Representative of the Crown to be enrolled for record in the office of such officer of the Supreme Court as Dáil Eireann may determine), and such copies shall be conclusive evidence as to the provisions of every such law, and in case of conflict between the two copies so deposited, that signed by the Representative of the Crown shall prevail.

Article 43.

The Oireachtas shall have no power to declare acts to be infringements of the law which were not so at the date of their commission.

Article 44.

The Oireachtas may create subordinate legislatures with such powers as may be decided by law.

Article 45.

The Oireachtas may provide for the establishment of Functional or Vocational Councils representing branches of the social and economic life of the Nation. A law establishing any such Council shall determine its powers, rights and duties, and its relation to the government of the Irish Free State (Saorstát Eireann).

Article 46.

The Oireachtas has the exclusive right to regulate the raising and maintaining of such armed forces as are mentioned in the Scheduled Treaty in the territory of the Irish Free State (Saorstát Eireann) and every such force shall be subject to the control of the Oireachtas.

Article 47.

Any Bill passed or deemed to have been passed by both Houses may be suspended for a period of ninety days on the written demand of two-fifths of the members of Dáil Eireann or of a majority of the members of Seanad Eireann presented to the President of the Executive Council not later than seven days from the day on which such Bill shall have been so passed or deemed to have been passed. Such a Bill shall, in accordance with regulations to be made by the Oireachtas be submitted by Referendum to the decision of the people if demanded before the expiration of the ninety days either by a resolution of Seanad Eireann assented to by three-fifths of the members of Seanad Eireann, or by a petition signed by not less than one-twentieth of the voters then on the register of voters, and the decision of the people by a majority of the votes recorded on such Referendum shall be conclusive. These provisions shall not apply to Money Bills or to such Bills as shall be declared by both Houses to be necessary for the immediate preservation of the public peace, health or safety.

Article 48.

The Oireachtas may provide for the Initiation by the people of proposals for laws or constitutional amendments. Should the Oireachtas fail to make such provision within two years, it shall on the petition of not less than seventy-five thousand voters on

the register, of whom not more than fifteen thousand shall be voters in any one constituency, either make such provisions or submit the question to the people for decision in accordance with the ordinary regulations governing the Referendum. Any legislation passed by the Oireachtas providing for such Initiation by the people shall provide (1) that such proposals may be initiated on a petition of fifty thousand voters on the register, (2) that if the Oireachtas rejects a proposal so initiated it shall be submitted to the people for decision in accordance with the ordinary regulations governing the Referendum; and (3) that if the Oireachtas enacts a proposal so initiated, such enactment shall be subject to the provisions respecting ordinary legislation or amendments of the Constitution as the case may be.

Article 49.

Save in the case of actual invasion, the Irish Free State (Saorstát Eireann) shall not be committed to active participation in any war without the assent of the Oireachtas.

Article 50.

Amendments of this Constitution within the terms of the Scheduled Treaty may be made by the Oireachtas, but no such amendment, passed by both Houses of the Oireachtas, after the expiration of a period of eight years from the date of the coming into operation of this Constitution, shall become law, unless the same shall, after it has been passed or deemed to have been passed by the said two Houses of the Oireachtas, have been submitted to a Referendum of the people, and unless a majority of the voters on the register shall have recorded their votes on such Referendum, and either the votes of a majority of the voters on the register, or two-thirds of the votes recorded, shall have been cast in favour of such amendment. Any such amendment may be made within the said period of eight years by way of ordinary legislation and as such shall be subject to the provisions of Article 47 hereof.

Article 51.

The Executive Authority of the Irish Free State (Saorstát Eireann) is hereby declared to be vested in the King, and shall be exercisable, in accordance with the law, practice and constitutional usage governing the exercise of the Executive Authority in the case of the Dominion of Canada, by the Representative of the Crown. There shall be a Council to aid and advise in the government of the Irish Free State (Saorstàt Eireann) to be styled the Executive Council. The Executive Council shall be responsible to the Dáil Eireann, and shall consist of not more than seven nor less than five Ministers appointed by the Representative of the Crown on the nomination of the President of the Executive Council.

Article 52.

Those Ministers who form the Executive Council shall all be members of Dáil Eireann and shall include the President of the Council, the Vice-President of the Council and the Minister in charge of the Department of Finance.

Article 53.

The President of the Council shall be appointed on the nomination of Dáil Eireann. He shall nominate a Vice-President of the Council, who shall act for all purposes in the place of the President, if the President shall die, resign, or be permanently incapacitated, until a new President of the Council shall have been elected. The Vice-President shall also act in the place of the President during his temporary absence. The other Ministers who are to hold office as members of the Executive Council shall be appointed on the nomination of the President, with the assent of Dáil Eireann, and he and the Ministers nominated by him shall retire from office should he cease to retain the support of a majority in Dáil Eireann, but the President and such Ministers shall continue to carry on their duties until their successors shall have been appointed: Provided, however, that the Oireachtas shall not be dissolved on the advice of an Executive Council which has ceased to retain the support of a majority in Dáil Eireann.

Article 54.

The Executive Council shall be collectively responsible for all matters concerning the Departments of State administered by Members of the Executive Council. The Executive Council shall prepare Estimates of the receipts and expenditure of the Irish Free State (Saorstát Eireann) for each financial year, and shall present them to Dáil Eireann before the close of the previous financial year. The Executive Council shall meet and act as a collective authority.

Article 55.

Ministers who shall not be members of the Executive Council may be appointed by the Representative of the Crown and shall comply with the provisions of Article 17 of this Constitution. Every such Minister shall be nominated by Dáil Eireann on the recommendation of a Committee of Dáil Eireann chosen by a method to be determined by Dáil Eireann, so as to be impartially representative of Dáil Eireann. Should a recommendation not be acceptable to Dáil Eireann, the Committee may continue to recommend names until one is found acceptable. The total number of Ministers, including the Ministers of the Executive Council, shall not exceed twelve.

Article 56.

Every Minister who is not a member of the Executive Council shall be the responsible head of the Department or Departments under his charge, and shall be individually responsible to Dáil Eireann alone for the administration of the Department or Departments of which he is the head: Provided that should arrangements for Functional or Vocational Councils be made by the Oireachtas these Ministers or any of them may, should the Oireachtas so decide, be members of, and be recommended to Dáil Eireann by, such Councils. The term of office of any Minister, not a member of the Executive Council, shall be the term of Dáil Eireann existing at the time of his appointment, but he shall continue in office until his successor shall have been appointed, and no such Minister shall be removed from office during his term otherwise than by Dáil Eireann itself, and by them for stated reasons, and after the proposal to remove him has been submitted to a Committee, chosen by a method to be determined by Dáil Eireann, so as to be impartially representative of Dáil Eireann, and the Committee has reported thereon.

Article 57.

Every Minister shall have the right to attend and be heard in Seanad Eireann.

Article 58.

The appointment of a member of Dáil Eireann to be a Minister shall not entail upon him any obligation to resign his seat or to submit himself for re-election.

Article 59.

Ministers shall receive such remuneration as may from time to time be prescribed by law, but the remuneration of any Minister shall not be diminished during his term of office.

Article 60.

The Representative of the Crown, who shall be styled the Governor-General of the Irish Free State (Saorstát Eireann) shall be appointed in like manner as the Governor-General of Canada and in accordance with the practice observed in the making of such appointments. His salary shall be of the like amount as that now payable to the Governor-General of the Commonwealth of Australia and shall be charged on the public funds of the Irish Free State (Saorstát Eireann) and suitable provision shall be made out of those funds for the maintenance of his official residence and establishment.

Article 61.

All revenues of the Irish Free State (Saorstát Eireann) from whatever source arising, shall, subject to such exception as may be provided by law, form one fund, and shall be appropriated

for the purposes of the Irish Free State (Saorstát Eireann) in the manner and subject to the charges and liabilities imposed by law.

Article 62.

Dáil Eireann shall appoint a Comptroller and Auditor-General to act on behalf of the Irish Free State (Saorstát Eireann). He shall control all disbursements and shall audit all accounts of moneys administered by or under the authority of the Oireachtas and shall report to Dáil Eireann at stated periods to be determined by law.

Article 63.

The Comptroller and Auditor-General shall not be removed except for stated misbehaviour or incapacity on resolutions passed by Dáil Eireann and Seanad Eireann. Subject to this provision the terms and conditions of his tenure of office shall be fixed by law. He shall not be a member of the Oireachtas nor shall he hold any other office or position of emolument.

Article 64.

The judicial power of the Irish Free State (Saorstát Eireann) shall be exercised and justice administered in the public Courts established by the Oireachtas by judges appointed in manner hereinafter provided. These Courts shall comprise Courts of First Instance and a Court of Final Appeal to be called the Supreme Court. The Courts of First Instance shall include a High Court, invested with full original jurisdiction in and power to determine all matters and questions whether of law or fact, civil or criminal, and also Courts of local and limited jurisdiction with a right of appeal as determined by law.

Article 65.

The judicial power of the High Court shall extend to the question of the validity of any law having regard to the provisions of the Constitution. In all cases in which such matters shall come into question, the High Court alone shall exercise original jurisdiction.

Article 66.

The Supreme Court of the Irish Free State (Saorstát Eireann) shall, with such exceptions (not including cases which involve questions as to the validity of any law) and subject to such regulations as may be prescribed by law, have appellate jurisdiction from all decisions of the High Court. The decision of the Supreme Court shall in all cases be final and conclusive, and shall not be reviewed or capable of being reviewed by any other Court, Tribunal or Authority whatsoever:

Provided that nothing in this Constitution shall impair the right of any person to petition His Majesty for special leave to appeal from the Supreme Court to His Majesty in Council or the right of His Majesty to grant such leave.

Article 67.

The number of judges, the constitution and organisation of, and distribution of business and jurisdiction among, the said Courts and judges, and all matters of procedure shall be as prescribed by the laws for the time being in force and the regulations made thereunder.

Article 68.

The judges of the Supreme Court and of the High Court and of all other Courts established in pursuance of this Constitution shall be appointed by the Representative of the Crown on the advice of the Executive Council. The judges of the Supreme Court and of the High Court shall not be removed except for stated misbehaviour or incapacity, and then only by resolutions passed by both Dáil Eireann and Seanad Eireann. The age of retirement, and the remuneration and the pension of such judges on retirement and the declarations to be taken by them on appointment shall be prescribed by law. Such remuneration may not be diminished during their continuance in office. The terms of appointment of the judges of such other courts as may be created shall be prescribed by law.

Article 69.

All judges shall be independent in the exercise of their functions, and subject only to the Constitution and the law. A judge shall not be eligible to sit in the Oireachtas, and shall not hold any other office or position of emolument.

Article 70.

No one shall be tried save in due course of law and extraordinary courts shall not be established, save only such Military Tribunals as may be authorised by law for dealing with military offenders against military law. The jurisdiction of Military Tribunals shall not be extended to or exercised over the civil population save in time of war, or armed rebellion, and for acts committed in time of war or armed rebellion, and in accordance with the regulations to be prescribed by law. Such jurisdiction shall not be exercised in any area in which all civil courts are open or capable of being held, and no person shall be removed from one area to another for the purpose of creating such jurisdiction.

Article 71.

A member of the armed forces of the Irish Free State (Saorstát Eireann) not on the active service shall not be tried by any Court Martial or other Military Tribunal for an offence cognisable by the Civil Courts, unless such offence shall have been brought expressly within the jurisdiction of Courts Martial or other Military Tribunal by any code of laws or regulations for the enforcement of military discipline which may be hereafter approved by the Oireachtas.

Article 72.

No person shall be tried on any criminal charge without a jury save in the case of charges in respect of minor offences triable by law before a Court of Summary Jurisdiction and in the case of charges for offences against military law triable by Court Martial or other Military Tribunal.

TRANSITORY PROVISIONS.

Article 73.

Subject to this Constitution and to the extent to which they are not inconsistent therewith, the laws in force in the Irish Free State (Saorstát Eireann) at the date of the coming into operation of this Constitution shall continue to be of full force and effect until the same or any of them shall have been repealed or amended by enactment of the Oireachtas.

Article 74.

Nothing in this Constitution shall affect any liability to pay any tax or duty payable in respect of the financial year current at the date of the coming into operation of this Constitution or any preceding financial year, or in respect of any period ending on or before the last day of the said current financial year, or payable on any occasion happening within that or any preceding year, or the amount of such liability; and during the said current financial year all taxes and duties and arrears thereof shall continue to be assessed, levied and collected in like manner in all respects as immediately before this Constitution came into operation, subject to the like adjustments of the proceeds collected as were theretofore applicable; and for that purpose the Executive Council shall have the like powers and be subject to the like liabilities as the Provisional Government.

Goods transported during the said current financial year from or to the Irish Free State (Saorstát Eireann) to or from any part of Great Britain or the Isle of Man shall not, except so far as the Executive Council may otherwise direct, in respect

of the forms to be used and the information to be furnished, be treated as goods exported or imported as the case may be.

For the purpose of this Article, the expression "financial year" means, as respects income tax (including super-tax), the year of assessment, and as respects other taxes and duties, the year ending on the thirty-first day of March.

Article 75.

Until Courts have been established for the Irish Free State (Saorstát Eireann) in accordance with this Constitution, the Supreme Court of Judicature, County Courts, Courts of Quarter Sessions and Courts of Summary Jurisdiction, as at present existing, shall for the time being continue to exercise the same jurisdiction as heretofore, and any judge or justice, being a member of any such Court, holding office at the time when this Constitution comes into operation, shall for the time being continue to be a member thereof and hold office by the like tenure and upon the like terms as heretofore, unless, in the case of a judge of the said Supreme Court or of a County Court, he signifies to the Representative of the Crown his desire to resign. Any vacancies in any of the said Courts so continued may be filled by appointment made in like manner as appointments to judgeships in the Courts established under this Constitution:

Provided that the provisions of Article 66 of this Constitution as to the decisions of the Supreme Court established under this Constitution shall apply to decisions of the Court of Appeal continued by this Article.

Article 76.

If any judge of the said Supreme Court of Judicature or of any of the said County Courts on the establishment of Courts under this Constitution, is not with his consent appointed to be a judge of any such Court, he shall, for the purpose of Article 10 of the Scheduled Treaty, be treated as if he had retired in consequence of the change of Government effected in pursuance of the said Treaty, but the rights so conferred shall be without prejudice to any rights or claims that he may have against the British Government.

Article 77.

Every existing officer of the Provisional Government at the date of the coming into operation of this Constitution (not being an officer whose services have been lent by the British Government to the Provisional Government) shall on that date be transferred to and become an officer of the Irish Free State (Saorstát Eireann), and shall hold office by a tenure corresponding to his previous tenure.

Article 78.

Every such existing officer who was transferred from the British Government by virtue of any transfer of services to the Provisional Government shall be entitled to the benefit of Article 10 of the Scheduled Treaty.

Article 79.

The transfer of the administration of any public service, the administration of which was not before the date of the coming into operation of this Constitution transferred to the Provisional Government, shall be deferred until the 31st day of March, 1923, or such earlier date as may, after one month's previous notice in the Official Gazette, be fixed by the Executive Council; and such of the officers engaged in the administration of those services at the date of transfer, as may be determined in the manner hereinafter appearing, shall be transferred to and become officers of the Irish Free State (Saorstát Eireann); and Article 77 of this Constitution shall apply as if such officers were existing officers of the Provisional Government who had been transferred to that Government from the British Government. The officers to be so transferred in respect of any services shall be determined in like manner as if the administration of the services had before the coming into operation of the Constitution been transferred to the Provisional Government.

Article 80.

As respects departmental property, assets, rights and liabilities, the Government of the Irish Free State (Saorstát Eireann) shall be regarded as the successors of the Provisional Government, and, to the extent to which functions of any department of the British Government become functions of the Government of the Irish Free State (Saorstát Eireann), as the successors of such department of the British Government.

Article 81.

After the date on which this constitution comes into operation the House of the Parliament elected in pursuance of the Irish Free State (Agreement) Act, 1922 (being the constituent assembly for the settlement of this Constitution), may, for a period not exceeding one year from that date, but subject to compliance by the Members thereof with the provisions of Article 17 of this Constitution, exercise all the powers and authorities conferred on Dáil Eireann by this Constitution, and the first election for Dáil Eireann under Articles 26, 27 and 28 hereof shall take place as soon as possible after the expiration of such period.

Article 82.

Notwithstanding anything contained in Articles 14 and 33 hereof, the first Seanad Eireann shall be constituted immediately after the coming into operation of this Constitution in the manner following, that is to say :—

(*a*) The first Seanad Eireann shall consist of sixty members, of whom thirty shall be elected and thirty shall be nominated.

(*b*) The thirty nominated members of Seanad Eireann shall be nominated by the President of the Executive Council who shall, in making such nominations, have special regard to the providing of representation for groups or parties not then adequately represented in Dáil Eireann.

(*c*) The thirty elected members of Seanad Eireann shall be elected by Dáil Eireann voting on principles of Proportional Representation.

(*d*) Of the thirty nominated members, fifteen to be selected by lot, shall hold office for the full period of twelve years, the remaining fifteen shall hold office for the period of six years.

(*e*) Of the thirty elected members the first fifteen elected shall hold office for the period of nine years, the remaining fifteen shall hold office for the period of three years.

(*f*) At the termination of the period of office of any such members, members shall be elected in their place in manner provided by Article 32 of this Constitution.

(*g*) Casual vacancies shall be filled in manner provided by Article 34 of this Constitution.

Article 83.

The passing and adoption of this Constitution by the Constituent Assembly and the British Parliament shall be announced as soon as may be, and not later than the sixth day of December, nineteen hundred and twenty-two, by Proclamation of His Majesty, and this Constitution shall come into operation on the issue of such Proclamation.

SECOND SCHEDULE ABOVE REFERRED TO.

ARTICLES OF AGREEMENT FOR A TREATY BETWEEN GREAT BRITAIN AND IRELAND.

1. Ireland shall have the same constitutional status in the Community of Nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa, with a Parliament having powers to make laws for the peace order and good government of Ireland and an Executive responsible to that Parliament, and shall be styled and known as the Irish Free State.

2. Subject to the provisions hereinafter set out the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada, and the law, practice and constitutional usage governing the relationship of the Crown or the representative of the Crown and of the Imperial Parliament to the Dominion of Canada shall govern their relationship to the Irish Free State.

3. The representative of the Crown in Ireland shall be appointed in like manner as the Governor-General of Canada and in accordance with the practice observed in the making of such appointments.

4. The oath to be taken by Members of the Parliament of the Irish Free State shall be in the following form :—

> I . . . . do solemnly swear true faith and allegiance to the Constitution of the Irish Free State as by law established and that I will be faithful to H.M. King George V., his heirs and successors by law, in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations.

5. The Irish Free State shall assume liability for the service of the Public Debt of the United Kingdom as existing at the date hereof and towards the payment of war pensions as existing at that date in such proportion as may be fair and equitable, having regard to any just claims on the part of Ireland by way of set off or counter-claim, the amount of such sums being determined in default of agreement by the arbitration of one or more independent persons being citizens of the British Empire.

6. Until an arrangement has been made between the British and Irish Governments whereby the Irish Free State undertakes her own coastal defence, the defence by sea of Great Britain and Ireland shall be undertaken by His Majesty's Imperial

Forces. But this shall not prevent the construction or maintenance by the Government of the Irish Free State of such vessels as are necessary for the protection of the Revenue or the Fisheries.

The foregoing provisions of this article shall be reviewed at a Conference of Representatives of the British and Irish Governments to be held at the expiration of five years from the date hereof with a view to the undertaking by Ireland of a share in her own coastal defence.

7. The Government of the Irish Free State shall afford to His Majesty's Imperial Forces :—

(*a*) In time of peace such harbour and other facilities as are indicated in the Annex hereto, or such other facilities as may from time to time be agreed between the British Government and the Government of the Irish Free State; and

(*b*) In time of war or of strained relations with a Foreign Power such harbour and other facilities as the British Government may require for the purposes of such defence as aforesaid.

8. With a view to securing the observance of the principle of international limitation of armaments, if the Government of the Irish Free State establishes and maintains a military defence force, the establishments thereof shall not exceed in size such proportion of the military establishments maintained in Great Britain as that which the population of Ireland bears to the population of Great Britain.

9. The ports of Great Britain and the Irish Free State shall be freely open to the ships of the other country on payment of the customary port and other dues.

10. The Government of the Irish Free State agrees to pay fair compensation on terms not less favourable than those accorded by the Act of 1920 to judges, officials, members of Police Forces and other Public Servants who are discharged by it or who retire in consequence of the change of government effected in pursuance hereof :

Provided that this agreement shall not apply to members of the Auxiliary Police Force or to persons recruited in Great Britain for the Royal Irish Constabulary during the two years next preceding the date hereof. The British Government will assume responsibility for such compensation or pensions as may be payable to any of these excepted persons.

11. Until the expiration of one month from the passing of the Act of Parliament for the ratification of this instrument, the powers of the Parliament and the government of the Irish Free State shall not be exercisable as respects Northern Ireland

and the provisions of the Government of Ireland Act, 1920, shall, so far as they relate to Northern Ireland remain of full force and effect, and no election shall be held for the return of members to serve in the Parliament of the Irish Free State for constituencies in Northern Ireland, unless a resolution is passed by both Houses of the Parliament of Northern Ireland in favour of the holding of such elections before the end of the said month.

12. If before the expiration of the said month, an address is presented to His Majesty by both Houses of the Parliament of Northern Ireland to that effect, the powers of the Parliament and Government of the Irish Free State shall no longer extend to Northern Ireland, and the provisions of the Government of Ireland Act, 1920, (including those relating to the Council of Ireland) shall so far as they relate to Northern Ireland, continue to be of full force and effect, and this instrument shall have effect subject to the necessary modifications.

Provided that if such an address is so presented a Commission consisting of three persons, one to be appointed by the Government of the Irish Free State, one to be appointed by the Government of Northern Ireland and one who shall be Chairman to be appointed by the British Government shall determine in accordance with the wishes of the inhabitants, so far as may be compatible with economic and geographic conditions, the boundaries between Northern Ireland and the rest of Ireland, and for the purposes of the Government of Ireland Act, 1920, and of this instrument, the boundary of Northern Ireland shall be such as may be determined by such Commission.

13. For the purpose of the last foregoing article, the powers of the Parliament of Southern Ireland under the Government of Ireland Act, 1920, to elect members of the Council of Ireland shall after the Parliament of the Irish Free State is constituted be exercised by that Parliament.

14. After the expiration of the said month, if no such address as is mentioned in Article 12 hereof is presented, the Parliament and Government of Northern Ireland shall continue to exercise as respects Northern Ireland the powers conferred on them by the Government of Ireland Act, 1920, but the Parliament and Government of the Irish Free State shall in Northern Ireland have in relation to matters in respect of which the Parliament of Northern Ireland has not power to make laws under that Act (including matters which under the said Act are within the jurisdiction of the Council of Ireland) the same powers as in the rest of Ireland, subject to such other provisions as may be agreed in manner hereinafter appearing.

15. At any time after the date hereof the Government of Northern Ireland and the provisional Government of Southern Ireland hereinafter constituted may meet for the purpose of

discussing the provisions subject to which the last foregoing Article is to operate in the event of no such address as is therein mentioned being presented and those provisions may include :

(*a*) Safeguards with regard to patronage in Northern Ireland :

(*b*) Safeguards with regard to the collection of revenue in Northern Ireland :

(*c*) Safeguards with regard to import and export duties affecting the trade or industry of Northern Ireland :

(*d*) Safeguards for minorities in Northern Ireland :

(*e*) The settlement of the financial relations between Northern Ireland and the Irish Free State :

(*f*) The establishment and powers of a local militia in Northern Ireland and the relation of the Defence Forces of the Irish Free State and of Northern Ireland respectively :

and if at any such meeting provisions are agreed to, the same shall have effect as if they were included amongst the provisions subject to which the Powers of the Parliament and Government of the Irish Free State are to be exercisable in Northern Ireland under Article 14 hereof.

16. Neither the Parliament of the Irish Free State nor the Parliament of Northern Ireland shall make any law so as either directly or indirectly to endow any religion or prohibit or restrict the free exercise thereof or give any preference or impose any disability on account of religious belief or religious status or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at the school or make any discrimination as respects state aid between schools under the management of different religious denominations or divert from any religious denomination or any educational institution any of its property except for public utility purposes and on payment of compensation.

17. By way of provisional arrangement for the administration of Southern Ireland during the interval which must elapse between the date hereof and the constitution of a Parliament and Government of the Irish Free State in accordance therewith, steps shall be taken forthwith for summoning a meeting of members of Parliament elected for constituencies in Southern Ireland since the passing of the Government of Ireland Act, 1920, and for constituting a provisional Government, and the British Government shall take the steps necessary to transfer to such provisional Government the powers and machinery requisite for the discharge of its duties, provided that every member of such provisional Government shall have signified in writing his or her acceptance of this instrument. But this arrangement shall not continue in force beyond the expiration of twelve months from the date hereof.

18. This instrument shall be submitted forthwith by His Majesty's Government for the approval of Parliament and by the Irish signatories to a meeting summoned for the purpose of the members elected to sit in the House of Commons of Southern Ireland, and if approved shall be ratified by the necessary legislation.

(*Signed*)

On behalf of the British Delegation.	On behalf of the Irish Delegation.
(Signed)	(Signed)
D. LLOYD GEORGE.	ART O GRÍOBHTHA.
AUSTEN CHAMBERLAIN.	(Arthur Griffith).
BIRKENHEAD.	MÍCHAÉL O COILEÁIN.
WINSTON S. CHURCHILL.	RIOBÁRD BARTÚN.
L. WORTHINGTON-EVANS.	EUDHMONN S. O'DUGÁIN.
HAMAR GREENWOOD.	SEÓRSA GHABHÁIN UÍ DHUBHTHAIGH.
GORDON HEWART.	

December 6, 1921.

ANNEX.

1. The following are the specific facilities required.

DOCKYARD PORT AT BEREHAVEN.

(*a*) Admiralty property and rights to be retained as at the date hereof. Harbour defences to remain in charge of British care and maintenance parties.

QUEENSTOWN.

(*b*) Harbour defences to remain in charge of British care and maintenance parties. Certain mooring buoys to be retained for use of His Majesty's ships.

BELFAST LOUGH.

(*c*) Harbour defences to remain in charge of British care and maintenance parties.

LOUGH SWILLY.

(*d*) Harbour defences to remain in charge of British care and maintenance parties.

AVIATION.

(*e*) Facilities in the neighbourhood of the above ports for coastal defence by air.

OIL FUEL STORAGE.

(*f*) Haulbowline - Rathmullen -	To be offered for sale to commercial companies under gurarantee that purchasers shall maintain a certain minimum stock for Admiralty purposes.

2. A Convention shall be made between the British Government and the Government of the Irish Free State to give effect to the following conditions:—

(*a*) That submarine cables shall not be landed or wireless stations for communication with places outside Ireland be established except by agreement with the British Government; that the existing cable landing rights and wireless concessions shall not be withdrawn except by agreement with the British Government; and that the British Government shall be entitled to land additional submarine cables or establish additional wireless stations for communication with places outside Ireland.

(*b*) That lighthouses, buoys, beacons, and any navigational marks or navigational aids shall be maintained by the Government of the Irish Free State as at the date hereof and shall not be removed or added to except by agreement with the British Government.

(*c*) That war signal stations shall be closed down and left in charge of care and maintenance parties, the Government of the Irish Free State being offered the option of taking them over and working them for commercial purposes subject to Admiralty inspection, and guaranteeing the upkeep of existing telegraphic communication therewith.

3. A Convention shall be made between the same Governments for the regulation of Civil Communication by Air.

D. Ll. G. B. W. S. C. A. G.
M. O'C.
A. C. E. S. O'D. R. B.
S. G. D.

CHAPTER 2.

An Act to make such provisions as are consequential on or incidental to the establishment of the Irish Free State. [5th December 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modification of Government of Ireland Act, 1920.

1.—(1) Subject to the provisions of the First Schedule to this Act, the Government of Ireland Act, 1920, shall cease to apply to any part of Ireland other than Northern Ireland, and in the event of such an address

10 & 11 Geo. 5. c. 67. 12 Geo. 5. c. 4.

as is mentioned in Article 12 of the Articles of Agreement for a treaty between Great Britain and Ireland set forth in the Schedule to the Irish Free State (Agreement) Act, 1922, being presented to His Majesty by both Houses of the Parliament of Northern Ireland within the time mentioned in that Article, the Government of Ireland Act, 1920, and the other enactments mentioned in the First Schedule to this Act, shall, as from the date of the presentation of such address, have effect subject to the modifications set out in that Schedule.

(2) Until the said address is presented or the expiration of the month mentioned in the said Article 12, whichever may be the earlier, the present Lord Lieutenant shall continue to exercise the functions of Lord Lieutenant as respects Northern Ireland.

Provisions as to judges, &c.

2. The provisions set out in the Second Schedule to this Act shall have effect with respect to the retirement and abolition of office of existing Irish judges, Lord Chancellor of Ireland and Irish Land Commissioners, and any pensions and allowances payable thereunder shall be charged on and be payable out of the Consolidated Fund or the growing produce thereof.

Establishment of a trust for the provision of cottages, &c. for ex-service men in Ireland.

3.—(1) For the purpose of providing in Ireland cottages, with or without plots or gardens, for the accommodation of men who served in any of His Majesty's naval, military, or air forces in the late war, and for other purposes incidental thereto, a body shall be established consisting of five members, of whom three shall be appointed by a Secretary of State, one by the President of the Executive Council of the Irish Free State, and one by the Prime Minister of Northern Ireland.

(2) The body so established shall be a body corporate by the name of the Irish Sailors and Soldiers Land Trust, with perpetual succession and a common seal, and is in this section referred to as "the Trust."

(3) For the purposes aforesaid, the Trust shall have all the powers which are conferred upon the Local Government Board for Ireland by section four of the Irish Land (Provision for Sailors and Soldiers) Act, 1919, including power to carry out the schemes made under that section by that Board prior to the passing of this Act, and such powers of management, sale, disposal and

9 & 10 Geo. 5. c. 82.

otherwise as may be conferred on them by regulations made by the Treasury, and all property, assets, rights and liabilities held, enjoyed or borne by the Local Government Board for Ireland in connection with any schemes so made by them shall be transferred to the Trust:

Provided that the provisions of the said section relating to the compulsory acquisition of land, limiting the time within which the power to acquire land may be exercised by the Board, and regulating the expenses and receipts and audit of accounts of the Board shall not apply to the Trust.

(4) There shall be paid to the Trust out of moneys provided by Parliament, at such times and in such instalments as the Treasury may direct, a sum not exceeding one million five hundred thousand pounds, and the sum so received and all other receipts of the Trust shall be applied by the Trust to the purposes for which the Trust is created.

(5) The Treasury may make regulations as to the procedure of the Trust and as to the application of the proceeds of sale, and as to the audit of the accounts of the Trust, and generally as to the manner in which the Trust shall carry out their powers and duties, and the Trust shall act in accordance with those regulations.

(6) The term of office of a member of the Trust shall be such as may be determined by the authority by whom he is appointed, but the Trust may act notwithstanding any vacancy in their number.

(7) This section shall not come into operation until the Treasury certify that such legislation has been passed by the Parliament of the Irish Free State and the Parliament of Northern Ireland as is necessary to enable the Trust to acquire and to hold land, to vest in the Trust any land and other property which is under this section to be transferred to the Trust, and otherwise to enable the Trust to carry out the purposes of this section.

Application of Customs Acts to land frontier.

4.—(1) In the event of such an address as is mentioned in Article 12 of the said Articles of Agreement being presented to His Majesty within the time mentioned in that Article, it shall be lawful for the Commissioners of Customs and Excise to make regulations with reference to the importation and exportation of any goods into and from Northern Ireland otherwise than by sea or in

aircraft, for the purpose of safeguarding the revenue and preventing and regulating the importation and exportation of prohibited and restricted goods, and by such regulations to apply to such importation and exportation any of the provisions of the Customs Acts subject to such modifications as may be necessary to adapt them to importation and exportation of goods by land, and in particular the regulations may—

(*a*) prohibit the importation and exportation of all goods or any classes of goods except by such routes within Northern Ireland, and during such hours, as may be prescribed;

(*b*) prescribe the places where, and the form and manner in which, entry of goods imported or exported shall be made and duty on goods imported shall be paid.

(2) If any person contravenes or fails to comply with any such regulation, he shall be guilty of an offence under the Customs Acts and shall for every such offence, in addition to any other penalty to which he may be liable, incur a fine not exceeding one hundred pounds, and the goods in respect of which the offence is committed shall be forfeited.

Provision as to relief from double taxation.

5.—(1) If His Majesty in Council is pleased to declare—

(*a*) that under the law in force in the Irish Free State any tax is payable in respect of a subject of charge in respect of which a corresponding tax is payable also in Great Britain; and

(*b*) that arrangements as specified in the declaration have been made with the Government of the Irish Free State with a view to the granting of relief in cases where there is a charge both to the British tax and to the Irish tax in respect of the same subject matter;

then, unless and until the declaration is revoked by His Majesty in Council, the arrangements specified therein shall, so far as they relate to the relief to be granted from the British tax, have effect as if enacted in this Act, but only if and so long as the arrangements, so far as they relate to the relief to be granted from the Irish tax, have the effect of law in the Irish Free State.

(2) Any declaration made by His Majesty in Council under this section shall be laid before the Commons House of Parliament as soon as may be after it is made, and, if an Address is presented to His Majesty by that House within twenty-one days on which that House has sat next after the declaration is laid before it praying that the declaration may be revoked, His Majesty in Council may revoke the declaration, and the arrangements specified in the declaration shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of a new declaration.

(3) The obligation as to secrecy imposed by any enactment with regard to any tax to which any declaration made by His Majesty in Council under this section relates shall not prevent the disclosure to any authorised officer of the Government of the Irish Free State of such facts as may be necessary to enable relief to be duly given in accordance with the arrangements specified in the declaration.

(4) In the event of such an address as is mentioned in Article 12 of the said Articles of Agreement being presented to His Majesty by both Houses of the Parliament of Northern Ireland within the time mentioned in that Article, this section shall—

(*a*) in relation to any tax which is a reserved tax within the meaning of the Government of Ireland Act, 1920, have effect as if Great Britain included Northern Ireland; and

(*b*) in relation to any tax which is not such a reserved tax as aforesaid, apply to Northern Ireland in like manner as it applies to Great Britain, but, if and so far as a declaration made under this section relates to any such tax, the declaration shall not extend to Northern Ireland without the consent of the Government of Northern Ireland.

Power to adapt enactments, &c.

6.—(1) His Majesty may, by Order in Council,—

(*a*) make such adaptations of any enactments so far as they relate to any of His Majesty's Dominions other than the Irish Free State as may appear to him necessary or proper as a

consequence of the establishment of the Irish Free State;

(*b*) make such provision as may appear to him necessary or proper for effecting the severance of the system of national health insurance in Great Britain from that in the Irish Free State, and for giving effect to any arrangements which may be made with the Irish Free State for that purpose, and for requiring such transfers of funds of societies and branches whose principal office is situate in Great Britain as may be necessary to give effect to any apportionments made in pursuance of the Order, and as to the application and disposal of the funds so transferred, and for extending to Northern Ireland and to societies and branches whose principal office is situate in Northern Ireland the like provisions as are made by any such Order in respect to Great Britain and societies and branches whose principal office is situate in Great Britain;

(*c*) give effect to any reciprocal arrangements which may be made with the Irish Free State with respect to unemployment insurance;

(*d*) make such provision with respect to the management of the National Debt and Government Securities and Annuities (including India Stock) as may be necessary to secure that the management thereof shall not, except to such extent as may be authorised by the Order, be transacted within the Irish Free State; or to enable the business of the Bank of Ireland in relation thereto to be partly transacted at an office of the Bank in Northern Ireland, and in the latter case to apply in respect of any securities or annuities inscribed or registered in the books and registers kept at such office the provisions applicable in respect of securities and annuities inscribed or registered in the books and registers kept at the Bank of England or the Bank of Ireland;

and any such Order in Council may contain such supplemental, consequential, and incidental provisions as may

appear necessary or proper for the purposes of the Order, and any such Order shall, subject to revocation or alteration by a subsequent Order, have effect as if enacted in this Act.

(2) Any Order in Council made under this section shall be laid before both Houses of Parliament as soon as may be after it is made, and if an Address is presented to His Majesty by either of those Houses within twenty-one days on which that House has sat next after any such Order is laid before it praying that the Order may be annulled, His Majesty may thereupon by Order in Council annul the same, and the Order so annulled shall forthwith become void, but without prejudice to the validity of anything which in the meantime may have been done thereunder.

(3) Section one of the Rules Publication Act, 1893, shall not apply to any Order in Council made under this section. 56 & 57 Vict. c. 66.

Miscellaneous provisions.

7.—(1) It shall be lawful for any department of the British Government to make arrangements with any Minister of the Government of the Irish Free State whereunder any of the powers and duties of the Minister may be exercised and performed on his behalf by officers of that department, or whereunder any of the powers and duties of that department may be exercised and performed on behalf of that department by officers of the Minister, on such terms and conditions as may be agreed:

Provided that no such arrangement shall diminish in any respect the responsibility of the department by which the arrangement is made.

(2) The Treasury may, if arrangements for the purpose are made with the Irish Free State or Northern Ireland, declare the revenue of the Irish Free State or the revenue of Northern Ireland (as the case may be) to be a public fund for the purposes of the Superannuation Act, 1892, and rules made by the Treasury under that Act and under section seven of the Superannuation Act, 1909, may, if and so far as such arrangements so require, vary the provisions of the first-mentioned Act as to the manner in which the amounts to be paid out of different funds and accounts are to be apportioned: 55 & 56 Vict. c. 40. 9 Edw. 7. c. 10.

Provided that nothing in this section shall prejudice the application of the first-mentioned Act to any office

or employment in Northern Ireland to which it is applied by the Government of Ireland Act, 1920.

For the purposes of this subsection, the revenue of the Irish Free State shall, as respects the period between the thirty-first day of March, nineteen hundred and twenty-two, and the date of the establishment of the Irish Free State, be deemed to include the revenue of the Provisional Government.

(3) In the event of a Post Office Savings Bank being established in the Irish Free State and arrangements being made with the Irish Free State for the transfer to the Post Office Savings Bank of the Irish Free State of the deposits of depositors resident in the Irish Free State, it shall be lawful for the National Debt Commissioners to transfer to such authority as may be provided by legislation of the Irish Free State such apportioned part of the assets held on behalf of the Post Office Savings Bank as may be determined by agreement between the British Government and the Government of the Irish Free State to be properly attributable to the deposits so transferred:

Provided that nothing in or done under this subsection shall affect the rights under the Post Office Savings Bank Acts of any depositor in the Post Office Savings Bank without the consent of the depositor.

Short title.

8. This Act may be cited as the Irish Free State (Consequential Provisions) Act, 1922 (Session 2).

SCHEDULES.

FIRST SCHEDULE.

MODIFICATION OF THE GOVERNMENT OF IRELAND ACT, 1920, &c.

Governor of Northern Ireland.

1.—(1) There shall be a Governor of Northern Ireland, and the provisions of the Government of Ireland Act, 1920 with respect to the Lord Lieutenant shall apply to the Governor of Northern Ireland and in the Government of Ireland Act, 1920 (hereinafter referred to as the principal Act) and in any other enactment references to the Lord Lieutenant shall, in their application to Northern Ireland, be construed as references to the Governor of Northern Ireland.

(2) In section 3 of the Lord Lieutenants' and Lord Chancellor's Salaries (Ireland) Act, 1832, eight thousand pounds shall be substituted for twenty thousand pounds as the salary of the Governor of Northern Ireland, and in subsection (3), of section thirty-seven of the principal Act two thousand pounds shall be substituted for five thousand pounds as the sum to be deducted towards the payment of such salary:

Provided that out of the said salary of eight thousand pounds there shall be payable the salaries and allowances of members of the personal staff of the Governor.

Privy Council and Great Seal of Northern Ireland.

2.—(1) There shall be a Privy Council of Northern Ireland, and anything which, prior to the first appointment of a Governor of Northern Ireland, might be done by, to, before, or with the advice or concurrence of the Privy Council of Ireland or any committee thereof may, as respects Northern Ireland after such appointment, be done by, to, before, or with the advice or concurrence of the Privy Council of Northern Ireland or a corresponding committee of that Council.

(2) The persons who are to be members of the Privy Council of Northern Ireland shall be from time to time chosen and summoned by the Governor of Northern Ireland and sworn in as Privy Counsellors, and the members may from time to time be removed by the Governor of Northern Ireland.

(3) In the application of the principal Act to Northern Ireland references to the Privy Council of Northern Ireland shall be substituted for references to the Privy Council of Ireland, and after the expiration of one month from the first appointment of a Governor of Northern Ireland no person shall be a minister of Northern Ireland unless he is a member of the Privy Council of Northern Ireland.

(4) There shall be a Great Seal of Northern Ireland which shall be kept by the Governor of Northern Ireland and shall, after the first appointment of such Governor, be used for all matters in Northern Ireland for which the Great Seal of Ireland was theretofore used. Until a Great Seal of Northern Ireland is provided the private seal of the Governor of Northern Ireland may be used as that Great Seal.

Council of Ireland.

3.—(1) The constitution of the Council of Ireland shall, if identical Acts for the purpose are passed by the Parliament of the Irish Free State and the Parliament of Northern Ireland, be altered in accordance with those Acts.

(2) The appointed day for the transfer in relation to Northern Ireland of the powers, which by the principal Act are made powers of the Council of Ireland, shall be such day as may hereafter be fixed by Order in Council not being earlier than the day on which any such identical Acts as aforesaid

come into operation or the expiration of the period of five years from the passing of this Act, whichever may first happen:

Provided that the appointed day for the purposes of so much of section ten of the principal Act as enacts that "the "rates, fares, tolls, dues, and other charges directed by the "Minister of Transport under the Ministry of Transport Act, "1919, and in force on the appointed day, may be charged until "fresh provision shall be made by the Council of Ireland, or "the Parliament of the United Kingdom, with regard to the "amount of any such rates, fares, tolls, dues, and other charges" shall be the date of the passing of this Act; but until such fresh provision is made, the Railway and Canal Commission shall have the like power of modifying such charges in Northern Ireland as is by section sixty of the Railways Act, 1921, conferred on the rates tribunal as respects railways in Great Britain.

Financial provisions.

4.—(1) (*a*) The contribution to be made under section twenty-three of the principal Act towards the Imperial liabilities and expenditure therein referred to shall be a contribution to be made by Northern Ireland and to be called the Northern Ireland contribution, and the provisions of that section with respect to apportionment as between Southern Ireland and Northern Ireland shall cease to have effect.

(*b*) The amount of the Northern Ireland contribution in each year until the end of the second financial year after the appointed day shall be a sum calculated at the rate of seven million nine hundred and twenty thousand pounds a year, or such less sum as the Joint Exchequer Board may, in exercise of the powers conferred on them by subsection (5) of that section, substitute therefor, and those powers may be exercised at any time whether before or after the end of the said second financial year or before or after a contribution has been made at the rate aforesaid.

(*c*) The Joint Exchequer Board, in determining the just proportion of Imperial liabilities and expenditure to be contributed by Northern Ireland in respect of each financial year after the end of the said second financial year shall have regard to the relative taxable capacities of Northern Ireland on the one hand and Great Britain and Ireland on the other hand.

(2) The apportionment of the proceeds of reserved taxes to be made by the Joint Exchequer Board under section twenty-two of the principal Act shall be an apportionment as between Great Britain and Northern Ireland instead of an apportionment as between Great Britain and Ireland, and the sum determined under the said section to be the Northern Ireland share of the said proceeds shall be called the Northern Ireland share of reserved taxes; and in making such an apportionment the Joint Exchequer Board shall have regard to the effect of any arrangement made with the Irish Free State for relief from double

taxation which may unduly prejudice Great Britain in relation to Northern Ireland or Northern Ireland in relation to Great Britain.

(3)—(*a*) The sum charged upon and payable out of the Consolidated Fund of the United Kingdom under section twenty-four of the principal Act, and therein referred to as the Irish residuary share of reserved taxes, shall be paid to the Exchequer of Northern Ireland and shall be called the Northern Ireland residuary share of reserved taxes, and the provisions of that section with respect to apportionment between the Exchequers of Southern Ireland and Northern Ireland shall cease to have effect, but without prejudice to the application of the principles governing such apportionment in any cases where an apportionment may be necessary for the purpose of ascertaining the sums to be deducted or to be made good by means of deductions from the Northern Ireland share or residuary share of reserved taxes.

(*b*) In ascertaining the net cost to the Exchequer of the United Kingdom of reserved services, the Joint Exchequer Board shall have regard to any increase of expenditure thereon which may appear to them to be attributable to the establishment of the Irish Free State, and shall make such allowance in respect of any such increase as may appear to them to be just.

Reconstitution of Joint Exchequer Board.

5. Subsection (1) of section thirty-two of the principal Act, relating to the constitution of the Joint Exchequer Board shall have effect as if for the words "two members appointed by the "Treasury one member appointed by the Treasury of Southern "Ireland" there were substituted the words, "one member appointed by the Treasury," and any question which may be referred to the board under that section may be referred to them either by the Treasury or by the Treasury of Northern Ireland.

Abolition of High Court of Appeal and provisions consequential thereon.

6.—(1) The High Court of Appeal for Ireland shall cease to exist, and sections forty-two and forty-three of the principal Act and any other provisions of that Act relative to that Court of Appeal shall cease to have effect.

(2) In any case where under section fifty of the principal Act an appeal would have lain to the High Court of Appeal for Ireland from a decision of a court in Northern Ireland an appeal shall lie to the Court of Appeal in Northern Ireland by virtue of this section. Questions under the Crown Cases Act, 1848, which would have been reserved for the decision of the High Court of Appeal for Ireland under section forty-three of the principal Act shall, in Northern Ireland, be reserved for the decision of the Court of Appeal in Northern Ireland whose decision shall, except as hereinafter provided, be final.

(3) An appeal shall lie to the House of Lords from any decision of the Court of Appeal in Northern Ireland being a decision from which an appeal would have lain to the House of Lords under section forty-nine of the principal Act had it been a decision of the High Court of Appeal for Ireland, and that section shall have effect accordingly with the substitution of references to the Court of Appeal in Northern Ireland for references to the High Court of Appeal for Ireland.

(4) Nothing in the foregoing provisions of this paragraph shall affect the right of appeal to the House of Lords from any decision of the High Court of Appeal for Ireland given before the date when this Schedule comes into operation, and in the case of any appeal to the High Court of Appeal for Ireland which is pending at that date the decision of the court from which the appeal was taken shall, for the purposes of appeal to the House of Lords, be treated as if it were a decision of the High Court of Appeal for Ireland given immediately before that date.

Civil Service Committee.

7.—(1) The Civil Service Committee shall, instead of being constituted in the manner provided by subsection (2) of section fifty-six of the principal Act, consist of five members, of whom one shall be appointed by the Treasury, one by a Secretary of State, one by the Government of Northern Ireland, one by the existing Irish officers who have been transferred to the Government of Northern Ireland, and one (who shall be chairman) by the Lord Chief Justice of England.

(2) The powers of the Civil Service Committee (which shall hereafter be known as the Civil Service Committee for Northern Ireland) shall be exerciseable in relation only to existing Irish officers who have been transferred from the Government of the United Kingdom to the Government of Northern Ireland under the principal Act, and in relation to existing or pensioned officers of local authorities or of a university or college in Northern Ireland.

SECOND SCHEDULE.

PROVISIONS AS TO EXISTING IRISH JUDGES, LORD CHANCELLOR OF IRELAND, AND IRISH LAND COMMISSIONERS.

PART I.

JUDGES.

(1) Any existing judge may, at or at any time after the date on which the Constitution of the Irish Free State comes into operation, resign his office on signifying his desire

to do so to His Majesty's representative, and thereupon His Majesty may, if he thinks fit, notwithstanding that such judge has not completed the period of service entitling him to a pension, grant to him such pension, not exceeding the pension to which he would on that completion have been entitled, as His Majesty thinks fit.

(2) When a new court is established by the Parliament of the Irish Free State in the place of any existing court or courts, every existing judge then holding office as a judge of any such existing court shall, on such abolition of office, be entitled to receive by way of compensation for loss of office a pension equivalent to two-thirds of his salary, and, in addition, an annual allowance payable for such period and of such amount, not exceeding (when added to the amount of his pension) his full salary, as may be determined to be reasonable and just, regard being had to the tenure and character of his existing office, the probability of his further continuance therein but for the establishment of the Parliament and Government of the Irish Free State and all the circumstances of the case.

The amount of the annual allowance shall, subject as aforesaid, be determined by a committee consisting of the Lord Chief Justice of England, the Master of the Rolls in England, and a Judge of the Supreme Court of England nominated by the Lord Chancellor of Great Britain.

(3) Where any judge who is entitled to a pension under this Part of this Schedule is appointed to a judicial office in Great Britain or Ireland, then, so long as he holds such office, the pension and any allowance to which he may be entitled under this Part of this Schedule shall be wholly suspended if the emoluments of such office are equal to or greater than those of his existing office, and, if they are less than those of his existing office, so much only of the pension and allowance (if any) shall be payable as with the emoluments of such office shall be equal to the emoluments of his existing office.

(4) If any annual allowance is payable by way of compensation under Article 10 of the said Articles of Agreement (hereinafter referred to as a compensation allowance) to a judge who is entitled to a pension under this Part of this Schedule, then so long as the compensation allowance continues to be paid, the pension and any allowance to which he may be entitled under this Part of this Schedule shall be wholly suspended if the compensation allowance is equal to or greater than the pension or the sum of the pension and allowance, as the case may be, to which he is so entitled, and, if it is less than the said pension or the sum of the said pension and allowance, then so much only of the said pension and allowance (if any) shall be payable as shall be equivalent to the difference:

Provided that, if a lump sum is paid to any such judge by way of compensation under the said Article, it shall be treated for the purpose of the foregoing provision as if it were an annuity of such an amount as could have been purchased for the lump sum if invested at the time of payment in an immediate life annuity according to the Post Office Tables.

(5) For the purpose of this Part of this Schedule, the expression "judge" means any judge of a Supreme Court and any judge of a county court or recorder of a borough; and the expression "existing" means existing or holding office at the date when the Constitution of the Irish Free State comes into operation.

PART II.

LORD CHANCELLOR OF IRELAND.

The office of Lord Chancellor of Ireland shall be abolished, and the person holding that office at the date of the passing of this Act shall be entitled to receive the like compensation for loss of office as if he were an existing judge of the Supreme Court of Judicature of Southern Ireland whose office had been abolished on the establishment of courts by the Parliament of the Irish Free State, and the provisions of Part I. of this Schedule shall apply accordingly.

PART III.

LAND COMMISSIONERS.

As from the date upon which the administration of public services relating to land purchase is transferred as respects the Irish Free State to the Executive Council thereof the office of commissioner of the Irish Land Commission shall cease to exist, except so far as its continuance may be declared by the Treasury to be necessary for the execution of matters outside the jurisdiction of the Government of the Irish Free State, and any commissioner of that Commission whose office is declared by the Treasury to be redundant shall, notwithstanding anything in any other Act, retire from office and shall be entitled to receive an annual allowance of such amount as may be determined to be reasonable and just by the committee established for determining the compensation of existing judges, regard being had to the tenure and character of his office, the conditions of his employment, and the probability of his further continuance therein but for the establishment of the Parliament and Government of the Irish Free State, and the provisions of Part I. of this Schedule with respect to the suspension of pensions of existing judges shall, with the necessary modifications, apply to any such annual allowance:

Provided that the commissioner of the Irish Land Commission who is a member of the Supreme Court of Judicature of Southern Ireland shall, for the purposes of this Schedule, be treated as an existing judge of that court and not as a commissioner of the Irish Land Commission.

CHAPTER 3.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-three, and to appropriate the Supplies granted in this Session of Parliament.

[15th December 1922.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

GRANT OUT OF CONSOLIDATED FUND.

Issue of 9,254,076*l.* out of the Consolidated Fund.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-three, the sum of nine million two hundred and fifty-four thousand and seventy-six pounds.

Power for the Treasury to borrow.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums

not exceeding in the whole nine million two hundred and fifty-four thousand and seventy-six pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and twenty-three, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

APPROPRIATION OF GRANTS.

Appropriation of sums voted for supply services.

3. All sums granted by this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by Schedule (A), in the aggregate to the sum of nine million two hundred and fifty-four thousand and seventy-six pounds, are appropriated, as from the date of the passing of this Act, for the services and purposes expressed in Schedule (B) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

In addition to the sums hereby granted out of the Consolidated Fund, there may be applied out of any moneys directed under section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in aid of the grants for the services and purposes specified in Schedule (B) annexed hereto the sums respectively set forth in the last column of the said Schedule.

54 & 55 Vict. c. 24.

Declaration required in certain cases before receipt of

4. A person shall not receive any part of a grant which may be made in pursuance of this Act for half-pay or army, navy, air force, or civil non-effective services, until he has subscribed such declaration as may from

time to time be prescribed by a warrant of the Treasury before one of the persons prescribed by such warrant: sums appropriated.

Provided that, whenever any such payment is made at more frequent intervals than once in a quarter, the Treasury may dispense with the production of more than one declaration in respect of each quarter.

Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

5. This Act may be cited for all purposes as the Appropriation Act, 1922 (Session 2). Short title.

ABSTRACT

OF

SCHEDULES (A.) and (B.) to which this Act refers.

SCHEDULE (A.)

Section 3.

	£	*s.*	*d.*
Grant out of the Consolidated Fund -	9,254,076	0	0

SCHEDULE (B.)—APPROPRIATION OF GRANTS.

Section 3.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
	£	*s.*	*d.*	£	*s.*	*d.*
Part 1. Army (Supplementary), 1922–1923 - -	340,000	0	0	—		
„ 2. Civil Services (Supplementary), 1922–1923 -	8,914,076	0	0	—156,000	0	0*
£	9,254,076	0	0	—156,000	0	0

* Deficit.

SCHED. (B.) PART 1. Army (Supplementary), 1922–1923.

SCHEDULE (B.)—PART 1.

ARMY (SUPPLEMENTARY), 1922–1923.

SCHEDULE of estimated additional expenditure in respect of Army Services in respect of the year ending on the 31st day of March, 1923, and of the sums granted to defray the charges which will come in course of payment during that year in respect of the said services :—

Head of Cost.	Sums not exceeding
HEAD VI.—TERMINAL AND MISCELLANEOUS CHARGES.	£
Subhead B., 14A, Compensation to sufferers by the failure of Messrs. Sir C. R. McGrigor, Bart., & Co. - - - - - - - - - -	340,000

	Supply Grants.	Appropriations in Aid.
	£	£
Estimated additional cash required for Army Services in 1922–23 - -	340,000	—

SCHED. (B.) PART 2. Civil Services (Supplementary), 1922–1923.

SCHEDULE (B.)—PART 2.

CIVIL SERVICES (SUPPLEMENTARY), 1922–1923.

SCHEDULE of SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ending on the 31st day of March, 1923, viz. :—

	Sums not exceeding	
CIVIL SERVICES. CLASS II.	Supply Grants.	Appropriations in Aid.
	£	£
For the salaries and expenses of the Mint, including the expenses of coinage, and for the expenses of the preparation of medals, dies for postage and other stamps, and His Majesty's seals - - - - -	750,000	80,000
For the salaries and expenses of the household of the Lord Lieutenant of Ireland - - - - - - -	1,360	—
Carried forward - -	751,360	80,000

SCHEDULE (B.)—PART 2—*continued.*

SCHED. (B.) PART 2. Civil Services (Supplementary), 1922–1923.

CIVIL SERVICES—*cont.*	Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
	£	£
Brought forward - -	751,360	80,000
CLASS III.		
For the expenses of the Royal Irish Constabulary, including expenses of Dublin Metropolitan Police pensions and certain extra-statutory payments	933,841	—71,000*
CLASS VI.		
For expenditure in connection with ex-Service Officers and men in Ireland, including grants for Education and resettlement, and for other purposes, and for Pensions Appeals Tribunals - - - - - -	282,875	—
UNCLASSIFIED SERVICES.		
For the cost of the relief arising out of unemployment, including a grant in aid - - - - - - -	1,070,000	—
For the salaries and expenses in connection with Shipping Liquidation - - - - - - -	5,866,000	—165,000*
For the payment of grants to refugees from Ireland for the relief of distress	10,000	—
Total Civil Services - -	8,914,076	—156,000*

* Deficit.

CHAPTER 4.

An Act to amend section one of the Trade Facilities Act, 1921, and the Overseas Trade Acts, 1920 and 1921, and to authorise the Treasury to guarantee certain loans to be raised by the Government of the Federal Republic of Austria and the Government of the Soudan respectively.

[15th December 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of s. 1 of 11 & 12 Geo. 5. c. 65.

1.—(1) The maximum limit on the aggregate capital amount of the loans the principal or interest of which may be guaranteed under subsection (1) of section one of the Trade Facilities Act, 1921, shall be increased from twenty-five million pounds to fifty million pounds.

(2) The period within which guarantees may be given under the said section one as amended by this section shall be extended by one year, and accordingly for the words "the year" in subsection (5) of the said section one there shall be substituted the words "each year."

(3) For the purpose of meeting the costs and expenses incurred by the Treasury in administering the said section one, there shall be charged in connection with applications for and the giving of guarantees under the said section, and other matters arising thereunder, such fees as the Treasury may from time to time prescribe.

(4) This section shall be construed as one with section one of the Trade Facilities Act, 1921, and that section and this section may be cited together as the Trade Facilities Acts, 1921 and 1922.

Guarantee of Austrian loan.

2. Whereas with the object of assisting Austria in the work of her economic and financial restoration His Majesty's Government, in conjunction with certain other Governments, has undertaken to guarantee to the extent set out in the Protocol known as Protocol No. II. and

signed at Geneva on the fourth day of October, nineteen hundred and twenty-two, and the Annexes thereto, a loan to be raised by the Government of the Federal Republic of Austria (in this Act referred to as "the Austrian Government") of such an amount as after payment of the expenses of issue will produce the equivalent of a sum not exceeding six hundred and fifty million gold crowns:

And whereas it is provided by the said Protocol No. II. that the loan so to be raised by the Austrian Government (in this Act referred to as "the Austrian loan") is to be employed under the authority of a Commissioner-General to be appointed by the Council of the League of Nations, and in accordance with certain obligations undertaken by the Austrian Government as set out in a Protocol known as Protocol No. III. and signed at Geneva on the third day of October nineteen hundred and twenty-two:

And whereas it is provided by the said Protocols that the payment of the amount required in each year to meet the interest on and the sinking fund for the Austrian loan (in this section referred to as "the annual charge") shall be secured by a charge on the gross receipts of the Austrian Customs and of the Austrian Tobacco Monopoly, and the Austrian Government have obtained the necessary powers for securing the said payment by such a charge:

Now, therefore—

(1) The Treasury may guarantee the payment of—

(*a*) a sum not exceeding the amount of the annual charge in respect of one-fifth of so much of the Austrian loan as is required to produce the equivalent of a sum not exceeding five hundred and twenty million gold crowns;

(*b*) a sum not exceeding the amount of the annual charge in respect of one-third of so much of the Austrian loan as is required to produce the equivalent of a sum not exceeding one hundred and thirty million gold crowns;

(*c*) the principal of and interest on any short-term securities which may be issued

after the commencement of this Act by the Austrian Government with the consent of the said Commissioner-General in anticipation of the raising of the Austrian loan:

(2) For the purpose of rendering more readily effective any guarantee which may be given by the Treasury in respect of the Austrian loan or of any such securities as aforesaid, the Treasury may, if they think fit, issue for deposit with a person to be agreed upon between the Governments of the several States by whom the Austrian loan is guaranteed securities up to an amount representing, in the case of a guarantee given in respect of the Austrian loan, either the principal of that part of the loan in respect of which the guarantee is given or the liability of the Treasury under the guarantee in respect of the annual charge, and in the case of a guarantee given in respect of any such securities as aforesaid the principal of the securities:

(3) Any securities so issued in connection with any such guarantee shall be in such form and expressed in terms of such currency as the Treasury think proper, and shall bear interest at the same rate as the interest payable on the loan or securities guaranteed:

(4) The Treasury may, if the terms on which the Austrian loan is issued provide for the redemption thereof by means of annual drawings, make similar arrangements with respect to any securities issued by the Treasury under this section, and may make regulations with respect to the drawing of the securities and for determining the date on which any securities so drawn are to be redeemed.

Guarantee of Soudan loan.

3.—(1) Subject to the provisions of this section, the Treasury may guarantee, in such manner as they think fit, the payment of the principal of and the interest on any loan raised by the Government of the Soudan for or in connexion with works for the purpose of irrigating the Gezireh Plain (in this Act referred to as "the Soudan

loan"), not exceeding in the aggregate an amount sufficient to raise three million five hundred thousand pounds.

(2) A guarantee shall not be given under this section until the Government of the Soudan have provided to the satisfaction of the Treasury and the Secretary of State—

(*a*) For raising, appropriating and duly applying the Soudan loan for or in connection with the purpose aforesaid:

(*b*) For the establishment and regulation of a sinking fund for the purpose of the repayment of the principal of the Soudan loan or any instalment thereof within a period not exceeding fifty years from the date on which the loan or the instalment is actually raised:

(*c*) For charging on the general revenues and assets of the Soudan or on any other revenues or assets which may be made available for the purpose, with priority over any charges not existing at the date of the passing of this Act, the principal of and the interest on the Soudan loan and any sinking fund payments for the repayment of the principal:

(*d*) For charging on the general revenues and assets of the Soudan immediately after the last-mentioned charge the repayment to the Treasury of any sum issued out of the Consolidated Fund of the United Kingdom under this Act on account of the guarantee given under this section, with interest thereon at such rate as the Treasury may fix:

(*e*) For raising or securing the raising of sufficient money to meet the above charges.

Period for which guarantees under the Overseas Trade Acts may remain in force. 10 & 11 Geo. 5. c. 29 11 & 12 Geo. 5 c. 26.

4.—(1) For the purpose of the provisions of the Overseas Trade Acts, 1920 and 1921, relating to the period within which the powers of the Board of Trade with respect to the giving of guarantees in connection with export transactions may be exercised under those Acts, the date on which the Board enter into an agreement to give guarantees shall be deemed to be the date on which the guarantees are given, whether the agreement

provides for the giving of guarantees in respect of specific transactions or for the giving of guarantees generally in respect of transactions up to a specified amount.

(2) This section shall be construed as one with the Overseas Trade Acts, 1920 and 1921, and those Acts and this section may be cited together as the Overseas Trade Acts, 1920 to 1922.

Charge on the Consolidated Fund of sums required for fulfilling guarantees, and presentation of annual statement to Parliament.

5.—(1) Any sums required by the Treasury for fulfilling a guarantee given under this Act in respect of the Austrian loan or any securities issued by the Austrian Government, or in respect of the Soudan loan, or required by the Treasury for meeting the principal of or the interest on any securities issued by the Treasury under this Act, shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof, and any sums received by way of repayment of any amount so issued out of the Consolidated Fund shall be paid into the Exchequer.

(2) The Treasury shall lay before both Houses of Parliament a statement of any guarantee given under this Act in respect of the Austrian loan, in respect of any securities issued by the Austrian Government, or in respect of the Soudan loan, and of any securities issued by the Treasury under this Act, and an account of any sums issued out of the Consolidated Fund of the United Kingdom for the purpose of any such guarantee or for meeting the principal of or the interest on any securities so issued by the Treasury, in each case as soon as may be after the guarantee is given or the securities or sums are issued.

Short title.

6.—(1) This Act may be cited as the Trade Facilities and Loans Guarantee Act, 1922 (Session 2).

(2) For the purpose of citation the provisions of this Act relating to the Soudan loan shall be deemed to be included among the Acts which may be cited together as the Soudan Loan Acts, 1919 and 1922.

CHAPTER 5.

An Act to amend the law with respect to the landing of imported animals in Great Britain and matters connected therewith.

[15th December 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Importation of Canadian store cattle.

1.—(1) Subject to the provisions of this Act, Canadian store cattle may, if the conditions specified in this section are fulfilled, be landed in Great Britain without being required to be dealt with and slaughtered in accordance with the provisions of Part I. of the Third Schedule to the Diseases of Animals Act, 1894 (in this Act referred to as "the principal Act").

57 & 58 Vict. c. 57.

(2) The conditions to be fulfilled for the purposes of this section are as follows:—

(*a*) The cattle must before shipment have been marked indelibly in such manner as the Minister may prescribe, and must have been shipped from a port in the Dominion of Canada:

(*b*) The vessel to be used for the voyage must have been inspected by the representative of the Minister in Great Britain, or by the duly authorised representative of the Government of the Dominion of Canada, and found to be suitable and properly fitted and equipped for the humane treatment of the cattle during the voyage, and the avoidance of unnecessary suffering by the cattle:

(*c*) The Minister must be satisfied—

(i) that the cattle were for a period of three clear days immediately before shipment kept separate from other animals, and were examined from time to time during that period by a duly authorised veterinary officer of the Dominion of Canada, and in particular were thoroughly so examined immediately before

shipment, and that on such examination no animal examined was found to be affected with cattle plague, pleuro-pneumonia, or foot-and-mouth disease;

(ii) that the cattle were not at the time of shipment affected with mange or any other disease which is declared by the Minister to be a disease within the meaning of this provision;

(iii) that, if at any time within twenty-eight days before the shipment of the cattle the vessel in which the cattle are brought to Great Britain had had on board any animal which had been exported or carried coastwise from any port or place in any country other than Great Britain or the Dominion of Canada, or had entered or been within any such port or place, the vessel was before the shipment of the cattle effectively cleansed and disinfected to the satisfaction of the duly authorised representative of the Government of the Dominion of Canada;

(iv) that the cattle were during the voyage kept separate from other animals and daily examined by a duly authorised veterinary officer of the Dominion of Canada, and that on such examination no animal examined was found to be affected with cattle plague, pleuro-pneumonia, or foot-and-mouth disease;

(v) that the vessel did not during the voyage enter any port or place outside Great Britain:

(*d*) The cattle must be landed at a port and at a landing place approved by the Minister for the purposes of this section.

(3) Cattle landed under this section shall be detained at the landing place at which they are landed and there isolated from all other animals for such period, commencing from the time at which the landing of the cattle is completed, as may be required for the thorough examination of the cattle by veterinary inspectors and the issue of licences for their movement, and no cattle shall be moved from the landing place unless and until

the movement is authorised by a licence granted in accordance with the provisions of the Schedule to this Act.

(4) If, on the examination of any cattle landed under this section, the veterinary inspector suspects any animal of being affected with cattle plague, pleuro-pneumonia, or foot-and-mouth disease, he shall cause all the cattle then in the landing place to be detained therein until he has satisfied himself as to whether the suspected animal is or is not so affected, and for the purposes of the examination the inspector may cause the suspected animal to be slaughtered.

(5) If it is found on any such examination that any animal is affected with any such disease as aforesaid, the owner or person in charge of any cattle then in the landing place shall cause all those cattle, as having been exposed to the infection of the disease, to be slaughtered within such time as the veterinary inspector may fix, and in any such case none of the cattle shall be moved from the landing place unless in the opinion of the inspector it is necessary so to do for the purpose of slaughter and then only in accordance with such conditions, if any, as may be imposed by the licence authorising the movement.

(6) If the person whose duty it is under the last preceding subsection to cause any cattle to be slaughtered fails to cause the cattle to be slaughtered within the time fixed in that behalf, the Minister may, but without prejudice to the liability of that person to proceedings for an offence under the principal Act, cause the cattle to be slaughtered and to be disposed of in such manner as he thinks fit, and any sum received by the Minister in respect of the sale of the carcases of any cattle so slaughtered shall, after the deduction therefrom of the expenses of slaughter and disposal and the amount of any importation fees, be paid to the owner of the cattle.

(7) The Minister may by order suspend the operation of this section during any period during which he has reason to believe that cattle plague, pleuro-pneumonia, or foot-and-mouth disease exists in the Dominion of Canada, and for such further period after any such disease has ceased so to exist as, in his opinion, is necessary for the purpose of avoiding the risk of the introduction of the disease into Great Britain.

(8) In this Act the expression "Canadian" in relation to any animal means "born and reared in the Dominion of Canada," and the expression "store cattle" means castrated male or spayed female bovine animals which are intended for feeding purposes and not for immediate slaughter.

Power of Minister to authorise conditionally importation of Canadian animals.

2. The Minister may, notwithstanding anything in the principal Act, by order authorise any Canadian animals, other than store cattle, to be landed in Great Britain without being subject to the provisions of Part I. of the Third Schedule to the principal Act, if, in the case of any such animals being cattle, there is produced a certificate issued by a duly authorised officer of the Dominion of Canada to the effect that the animals were within one month before shipment effectively tested for tuberculosis and were found to be free therefrom, and if the animals are landed in accordance with such conditions, to be prescribed in the order, as may, in the opinion of the Minister, be necessary or expedient for the prevention of the introduction of disease, other than tuberculosis, into Great Britain.

Meaning of "imported animals" and provision as to landing of animals from Ireland.

3. For the word "foreign" wherever that word is used in relation to an animal or thing in the principal Act, or any Act amending the provisions of that Act relating to foreign animals or foreign things, there shall be substituted the word "imported," and for the purposes of the principal Act as so amended an imported animal or an imported thing shall mean an animal or thing brought to Great Britain from a country out of Great Britain, and the provisions of the principal Act as so amended relating to imported animals and imported things shall have effect as though the expression "Great Britain" were therein substituted for the expression "the United Kingdom," but except to such extent as the Minister may by order direct, the provisions of the Third Schedule to the principal Act shall not apply to animals brought to Great Britain from Ireland or any part thereof:

Provided that, if the Minister is satisfied that cattle plague, pleuro-pneumonia or foot-and-mouth disease exists or has recently existed in, or that adequate provision is not made for the prevention of the introduction of any such disease into, any part of Ireland, he may by

order prohibit the landing in Great Britain of animals or any class of animals brought from Ireland or any part thereof, or may apply the said provisions to animals or any class of animals so brought with such modifications, if any, as he may think necessary or expedient.

Supervision by Commissioners of Customs and Excise of landing of animals.

4. The landing of imported animals in Great Britain shall be effected in such manner, at such times and subject to such supervision as the Commissioners of Customs and Excise may direct.

Compensation not payable in respect of slaughter of imported animals.

5. Compensation shall not be payable under the Diseases of Animals Acts, 1894 to 1914, in respect of any imported animal which is, by reason of the animal being diseased, or suspected, or having been exposed to the infection of any disease, slaughtered in a foreign animals' wharf or in an approved landing place.

Fees on importation.

6. There shall be charged in respect of the landing of imported animals in Great Britain such fees as may, in the opinion of the Treasury, be sufficient to meet the expenses of the examination of imported animals by veterinary inspectors, but not exceeding as respects any one animal the sum of sixpence, and any fees so charged shall, on demand by the Minister and before the animal or the carcase of the animal, as the case may be, is moved from the wharf or landing-place, be paid to him by the person so moving the animal or carcase.

Draft of orders to be laid before Parliament.

7. Before any order is made under the preceding provisions of this Act a draft of the order shall, unless it is either an order suspending the operation of section one of this Act or prohibiting the landing of animals, or an order consequential on the making of any such order of suspension or prohibition, be laid before each House of Parliament for a period of not less than twenty-one days on which that House has sat, and if either House before the expiration of that period presents an Address to His Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of any new draft order.

Regulation of movement of imported cattle.

8.—(1) The provisions contained in the Schedule to this Act shall apply with respect to imported cattle.

(2) The Minister may by order alter or modify any of the said provisions if he considers it necessary or

expedient so to do, and the alterations or modifications are such as in his opinion will not diminish or prejudice the protection against the risk of the spread of disease which is afforded by the said provisions as enacted in the said Schedule:

Provided that, no such alteration or modification shall reduce the period of detention prescribed by such provisions.

Extension of power to make orders under s. 30 of principal Act.

9. The power of the Minister to make orders under section thirty of the principal Act shall include a power to make orders for the following purposes:—

(*a*) For requiring imported animals, whether as a condition of landing or otherwise, to be marked by tagging or in any other manner; and

(*b*) For providing for the application to imported animals of any test for disease or of any treatment for disease.

Short title, interpretation and commencement.

10.—(1) This Act may be cited as the Importation of Animals Act, 1922 (Session 2), and the Diseases of Animals Acts, 1894 to 1914, and this Act may be cited together as the Diseases of Animals Acts, 1894 to 1922.

(2) In this Act, unless the context otherwise requires:—

The expression "the Minister" means the Minister of Agriculture and Fisheries, and the expression "the Ministry" shall be construed accordingly:

The expression "veterinary inspector" means a person appointed by the Minister to be a veterinary inspector for the purposes of the principal Act.

(3) This Act shall be deemed to form part of and shall be construed as one with the principal Act.

(4) This Act shall come into operation on such date, not later than the first day of April nineteen hundred and twenty-three, as His Majesty may by Order in Council appoint.

SCHEDULE.

Sections 1, 9.

REGULATION OF MOVEMENT OF IMPORTED CATTLE.

Licence for movement from landing place.

1.—(1) No imported cattle shall be moved from the landing place at which they are landed except under a licence granted by a veterinary inspector and in accordance with such conditions, if any, as may be imposed by the licence and with the regulations contained in this Schedule.

(2) A licence granted under this provision shall be a licence authorising the cattle to be moved either to—

(*a*) a market specially authorised in writing by the local authority of the district for the purposes of this provision (in this Schedule referred to as "an authorised market"); or

(*b*) premises (including a slaughterhouse) other than an authorised market.

(3) A local authority may, if they think fit, instead of granting an authority for the purposes of this provision in respect of the whole of a market, grant such an authority in respect of some part of a market, and where a part of a market is so authorised the provisions of this Schedule shall, unless the context otherwise requires, have effect as though references to a part of a market were substituted for references to a market.

(4) A copy of every authority granted by a local authority for the use of a market for the purposes of this provision shall be sent forthwith by the local authority to the Ministry.

Conditions to be complied with in the case of cattle in authorised markets.

2.—(1) Imported cattle which have been moved to an authorised market shall at all times while therein be kept separate from all animals other than imported cattle, and shall not, if part only of a market is authorised for the purposes of this Schedule, be permitted, while any such other animals are in the market, to enter any part of the market other than the authorised part.

(2) No animals other than imported cattle shall be permitted to enter an authorised market.

(3) Imported cattle exposed for sale at an authorised market shall not be moved therefrom otherwise than under a licence granted by a local inspector and in accordance with such conditions, if any, as may be imposed by the licence or otherwise than to premises, not being an authorised market, to be there detained in accordance with the provisions of this Schedule.

Detention of imported cattle on arrival at premises other than market.

3. When imported cattle have under a licence in that behalf been moved to premises other than an authorised market, whether from the landing place or from an authorised market, they shall on arriving at those premises be detained therein, unless previously slaughtered therein, for a period of six days from the date of arrival.

During the said period the cattle shall not be moved from the said premises otherwise than under a further licence to be granted by a local inspector, or otherwise than to a slaughter-house, to be therein detained until they are slaughtered, or to a vessel for export.

Temporary detention in special enclosures of cattle awaiting sale at market.

4.—(1) Where a licence has been granted under this Schedule authorising the movement of imported cattle to an authorised market, the cattle may by virtue of that licence, subject as hereinafter provided, be temporarily detained in special lairs or other enclosures adjoining or near to the market while awaiting exposure for sale in the market:

Provided that—

(*a*) the lairs or enclosures must be lairs or enclosures the use of which has been authorised by the local authority for the purpose of this provision, and the use of the lairs or enclosures for the purpose aforesaid shall be subject to such directions as may be given by or on behalf of the local authority;

(*b*) the lairs or enclosures must not be used for any animals other than imported cattle in course of being moved to an authorised market under this Schedule;

(*c*) the cattle shall not remain in the lairs or enclosures for a period exceeding seventy-two hours.

(2) If the Minister after making enquiries is satisfied that it is for any reason inexpedient or undesirable that any lairs or other enclosures, the use of which has been authorised for the purpose aforesaid, should be used for that purpose, the Minister may direct that those lairs or enclosures shall cease to be authorised lairs or enclosures for the purpose of this provision.

Provisions as to licences and movement.

5.—(1) A licence granted under this Schedule for the movement of imported cattle shall remain in force for a period of five days, inclusive of the day on which it is granted, and no longer.

(2) A copy of every licence granted under this Schedule shall be sent forthwith by the veterinary inspector or local inspector by whom it is granted to the local authority of the district in which the authorised market or other authorised place of destination is

situate, and also, where the place of destination is not an authorised market, to the occupier of that place.

(3) Every licence granted under this Schedule shall accompany the cattle to which it relates throughout the time during which they are being moved thereunder, and shall on demand be produced by the person for the time being in charge of the cattle to any veterinary inspector or local inspector or police constable.

(4) A licence authorising the movement of imported cattle to an authorised market shall be delivered up at the entrance to the market by the person for the time being in charge of the cattle to the person appointed by the local authority for the purpose of receiving such licences, and every licence authorising imported cattle to be moved elsewhere than to an authorised market shall forthwith after the arrival of the cattle at the authorised place of destination be delivered up at, or sent by post to, the nearest police station in the district by the person then in charge of the cattle.

(5) Imported cattle to be moved under a licence granted under this Schedule shall, so far as is practicable, be moved by rail, and shall in all cases be moved without unnecessary delay and direct to the authorised place of destination.

(6) Where imported cattle are being moved by rail they shall not, until they reach the railway station from which they are to be moved to the premises specified in the licence, be removed from their trucks for any purpose other than the purpose of being fed or watered, and then only at some railway station, and if removed for that purpose shall not be taken outside the station premises:

Provided that, nothing in the foregoing provision shall prevent the removal from its truck of any animal on account of any injury sustained by it or for any other necessary purpose.

6. Nothing in this Schedule shall

Savings.

(*a*) apply to imported cattle intended for exhibition or other exceptional purposes, the landing of which is allowed for the time being by the Minister subject to the provisions of Part II. of the Third Schedule to the principal Act; or

(*b*) be deemed to authorise the movement of any cattle in contravention of any order of the Minister, or any regulation of a local authority prohibiting or regulating the movement of cattle.

Interpretation.

7. In this Schedule, unless the context otherwise requires—

The expression "market" includes a fair-ground or saleyard:

The expression "local inspector" means a person appointed by the local authority of the district to be an inspector for the purposes of the principal Act:

The expression "slaughterhouse" means any premises where animals are habitually slaughtered.

TABLE II.

Showing the Effect of the Year's Legislation.

ACTS OF FORMER SESSIONS (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ACTS OF 12 & 13 GEO. 5* AND 13 GEO. 5 (SESSION 2).

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 12 & 13 Geo. 5. or 13 Geo. 5. (Sess 2.)
27 Hen. 8. c. 10.	Statute of Uses -	Rep. (from Jan. 1, 1925) -	16, ss. 1 (7) (8), 191 (2).
12 Car. 2. c. 24.	Statute of Tenures	Ss. 5–7, copyhold prosp. abolished, manorial incidents prosp. extinguished, grand and petty sergeanty saved.	16, parts V. and VI., s. 191 (2).
22&23 Car. 2. c. 10.	Statute of Distributions.	Rep. (from Jan. 1, 1925) -	16, ss. 150 (3), 188 (11), 191(2).
29 Car. 2. c. 3.	Statute of Frauds	S. 25 (? in error for 24) prosp. rep.	16, ss. 150 (3), 191 (2).
1 Jac. 2. c. 17.	Administration of Intestate's Estate	Ss. 5, 7 rep. (from Jan. 1, 1925).	16, ss. 150 (3), 188 (11), 191 (2).
22 Geo. 3. c. 45.	House of Commons (Disqualification).	Excluded - - -	9, s. 10.
39 & 40 Geo. 3.: c. 67 -	Union with Ireland	Modified by Constitution of Irish Free State.	4, s. 1, Sch.; 1 (Sess. 2), Sch.
c. 98 -	Accumulations -	Applied and excluded -	16, ss. 87 (1), 89 (1), 191 (2).
41 Geo. 3. c. 52.	House of Commons Disqualification.	Excluded - - -	9, s. 10.

* Acts made permanent or repealed by the Expiring Laws Act, 1922, are included in this table; Acts annually continued by that Act are not included.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 12 & 13 Geo. 5. or 13 Geo. 5. (Sess. 2.)
6 Geo. 4. c. 50.	Juries - - -	Ss. 5, 6, 8–12, 31–2, 33 to "provided always that," 34 "the fees for striking such jury and," 36, 45, 46 in part, 50 to "heretofore accustomed," Sch., rep.; ss. 46 ext.; 22, 26 am. as to "additions"; 37 saved.	11, ss. 1 (1) (11), 5 (2), 8 (2) (*b*) (4), Sch.
11 Geo. 4 & 1 Will. 4. c. 40.	Executors - -	Prosp. rep. - - -	16, ss. 150 (3), 188 (11), 191 (2).
1 & 2 Will. 4. c. 42.	Poor Relief - -	New Forest inclosure restricted.	51, s. 21 (4).
2 & 3 Will. 4.: c. 71 -	Prescription - -	Saved - - - -	16, ss. 31, 191 (2).
c. 116 -	Lord Lieut. and Lord Chancellor's Salaries (I.).	In pt. virt. rep. on abolition of office of L. Lieut. and L. Chanc. of I.; applied and s. 3 am.	2 (session 2) Sch. 1 [1 (2)], Sch. 2 pt. II.
3 & 4 Will. 4.: c. 27 -	Real Property Limitation.	Saved - - -	16, ss. 31, 188 (11), 191 (2).
c. 74 -	Fines and Recoveries.	S. 1 "base fee" applied, s. 32 rep., ss. 40, 79–84, 89 (married women's acknowledgments), 41, 46, 58–9, 71–2 (inrolment), am. prosp.	16, ss. 17 (5), 52 (2), 74, 76, 191 (2).
4 & 5 Will. 4.: c. 76.	Poor Law Amdt. (Audit).	S. 47 am. - - -	14, s. 1.
5 & 6 Will. 4.: c. 41 -	Gaming - -	S. 2 rep. - - - -	19, s. 1.
c. 50 -	Highway - -	Ss. 82, 83 am. prosp. -	16, ss. 60 (2), 191 (2).
6 & 7 Will. 4.: c. 13 -	Constabulary (I.) -	In part virt. rep. on disbandment of R.I.C.	55, s. 1 (1).
c. 37 -	Bread - - -	Ss. 2, 8–13 am. - -	28, ss. 1–4.
7 Will. 4. & 1 Vict.: c. 26 -	Wills - - -	Ss. 3, 18 am. prosp. -	16, ss. 152, 156 (13), 191 (2).
c. 28 -	Real Property Limitation.	Saved - - - -	16, ss. 31, 188 (11), 191 (2).
1 & 2 Vict. c. 106.	Pluralities - -	[Ss. 52–3 rep. by Church of England Measure No. 2 of 1922].	

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 12 & 13 Geo. 5. or 13 Geo. 5. (Sess. 2).
3 & 4 Vict. c. 89.	Poor Rate Exemption.	Made permanent (so far as unrepealed).	50, s. 1, Sch. 1.
4 & 5 Vict. c. 30.	Ordnance Survey -	Made permanent (so far as unrepealed).	50, s. 1, Sch. 1.
6 & 7 Vict. c. 73.	Solicitors - -	S. 3 in pt. rep. - - -	57, s. 10 (2), Sch.
7 & 8 Vict. c. 101.	Poor Law Amdt. (Audit).	S. 38 virt. rep. - - -	14, s. 1.
8 & 9 Vict.: c. 18 -	Lands Clauses Consol.	Ss. 54–5 saved - - - S. 10 ext. prosp. - -	11, s. 5 (1). 16, ss. 39, 191(2).
c. 20 -	Railways Clauses -	S. 78 am. prosp. - -	16, ss. 45 (7), 191 (2).
c. 112 -	Satisfied Terms -	Applied to leasehold terms prosp.	16, ss. 20 (2), 191 (2).
c. 118 -	Inclosure - -	S. 110 from "provided," rep.	51, s. 23 (2), Sch.
10 & 11 Vict.. c. 17	Waterworks Clauses.	S. 22 am. prosp. - - -	16, ss. 45 (7), 191 (2).
c. 98 -	Ecclesiastical Jurisdiction.	Made permanent (so far as unrepealed).	50, s. 1, Sch. 1.
11 & 12 Vict. c. 78.	Crown Cases -	Am. as to Northern Ireland	2 (sess. 2), Sch. 1 [6 (2)].
14 & 15 Vict.: c. 99 -	Evidence - -	S. 14 ext. to Court Rolls, prosp.	16, ss. 144, 191 (2).
c. 104 -	Episcopal and Capitular Estates.	Made permanent (so far as unrepealed).	50, s. 1, Sch. 1.
17 & 18 Vict.: c. 97 -	Inclosure - -	Ss. 10–4 ext., 11 proviso rep., 13 am., prosp.	16, ss. 93 (1) (2), 191 (2).
c. 102 -	Corrupt Practices Prevention.	Made permanent (so far as unrepealed).	50, s. 1, Sch. 1.
18 & 19 Vict. c. 43.	Infant Settlements	Saved - - - -	16, ss. 13, 191(2), Sch. 6 [4 (4)].
20 & 21 Vict. c. 57.	Married Women's Reversionary Interests.	Am., prosp. - - -	16, ss. 74 (1), 191 (2).
22 Vict. c. 11.	East India Loan -	Am. - - - -	9, ss. 4, 5, 10.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 12 & 13 Geo 5. or 13 Geo. 5. (Sess. 2).
22 &23Vict.: c. 35 -	Law of Property Amdt.	Ss. 27, 28 am. and appl., s. 29 appl.	16, ss. 117, 118 (1), 127, 191(2).
c. 39 -	East India Loan -	Am. - - - -	9, ss. 4, 5, 10.
23& 24Vict.: c. 5 -	Indian Securities -	S. 3 am. - - -	9, ss. 4, 5, 10.
c. 106 -	Lands Clauses -	S. 4 excluded - - -	16, ss. 39, 191(2).
c. 127 -	Solicitors - -	Ss. 5, 12 rep., 2, 20 am. -	57, ss. 4, 8, 9, 10 (2), Sch.
c. 130 -	Indian Loan -	Am. - - - -	9, ss. 4, 5, 10.
24 &25Vict.: c. 25 -	India Loans -	Am. - - - -	9, ss. 4, 5, 10.
c. 100 -	Offences against the Person.	S. 60 saved and applied -	18, s. 1 (3) (4).
25 & 26 Vict. c. 107.	Juries - - -	Ss. 4–6, 8–10, Sch. rep. -	11 s. 8 (4), Sch.
26 & 27 Vict. c. 105.	Promissory Notes	Made permanent - -	50, s. 1, Sch. 1.
27 & 28 Vict. c. 20.	Promissory Notes (Ireland).	Made permanent (so far as unrepealed).	50, s. 1, Sch. 1.
28 & 29 Vict. c. 83.	Locomotives -	Made permanent (so far as unrepealed).	50, s. 1, Sch. 1.
29 & 30Vict.: c. 31 -	Superannuation (Metropolis).	Saved - - - -	59, s. 29.
c. 109 -	Naval Discipline -	Ss. 53 (4), 58 (2) (3) (15), 60, 80, 86, 98A (3) am., 90 B, 98A (5), 102 added, 98A (2) substituted.	37, ss. 1–8.
31 & 32Vict.: c. 40 -	Partition - -	Rep. (Jan. 1, 1925) with savings.	16, ss. 10, 191 (2), Sch. 3 [1 (10)].
c. 125 -	Parl. Elections -	Made permanent (so far as unrepealed).	50, s. 1, Sch. 1.
32 & 33Vict.: c. 21 -	Corrupt Practices Commission Expenses.	Made permanent (so far as unrepealed).	50, s. 1, Sch. 1.
c. 56 -	Endowed Schools -	Made permanent (so far as unrepealed).	50, s. 1, Sch. 1.
c. 106	East India Loan -	Am. - - - -	9, ss. 4, 5, 10.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 12 & 13 Geo. 5. or 13 Geo. 5. (Sess. 2).
33 & 34 Vict.:			
c. 23 -	Forfeiture - -	Saved (as to convict's land)	16, ss. 29, 191(2).
c. 77 -	Juries - - -	Ss. 8 "juries or" (twice), 11–5, 17 rep.	11, s. 8 (4), Sch.
c. 90 -	Foreign Enlistment.	Saved - - - -	21, s. 3.
34 & 35 Vict.:			
c. 31	Trade Union -	S. 7 am. prosp. - -	16, ss. 106, 191 (2).
c. 87 -	Sunday Observation Prosecution.	Made permanent (so far as unrepealed).	50, s. 1, Sch. 1.
35 & 36 Vict. c. 93.	Pawnbrokers -	Ss. 12, 15, Sch. 3 and 4 am.	5, ss. 1, 2.
36 & 37 Vict. c. 32.	East India Loan -	Am. - - - -	9, ss. 4, 5, 10.
37 & 38 Vict.:			
c. 3 -	East India Loan -	Am. - - - -	9, ss. 4, 5, 10.
c. 57 -	Real Property Limitation.	Saved - - - -	16, ss. 31, 188 (11), 191 (2).
c. 78 -	Vendor and Purchaser.	Ss. 1 rep., 2 am., prosp. -	16, ss. 94 (2), 95 (2), 191 (2).
38 & 39 Vict.:			
c. 17 -	Explosives - -	Excluded - - - -	35, s. 9.
c. 63 -	Sale of Food and Drugs.	S. 25 applied as modified -	29, s. 4, Sch.
c. 87 -	Land Transfer -	Ss. 2, 12, 14–6, 18 (*b*)–(*d*), 36–7, 41, 44–5, 52, 69, 87–8, 111 (4) rep., 49, 50 in part, 68, 83 (3) (4) (7) (8), 84 rep. and substit. 11 (1), 18 (2) (7), 22, 25–7, 30–5, 38, 53, 60, 70, 82, 83 (1), 85, 95–6 am., 20, 50, 53 applied, 50–1 applic. by rules, 30–3 adapt. by rules, 29, 111 ext., 5, 11, 68 excluded, prosp.	16, ss. 166–7, 168 (2) (3), 179 (1), 182 (2), 186 (3), 187, 191 (2), Sch. 16 pt. I.
39 & 40 Vict.:			
c. 17 -	Partition - -	Rep. (Jan. 1, 1925) with savings.	16, ss. 10, 191(2), Sch. 3 [1 (10)].
c. 35 -	Customs (Tariff) -	Applied to I. of Man -	36, s. 4 (2).
c. 36 -	Customs Consol. -	Applicable by regs. - -	2 (Sess. 2), s. 4.
c. 56 -	Commons - -	Applied, s. 30 ext. - -	16, ss. 103 (1) (2), 191 (2).

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 12 & 13 Geo. 5. or 13 Geo. 5. (Sess. 2).
40 & 41 Vict.:			
c. 2 -	Treasury Bills -	S. 6 restricted - - -	3, s. 3 (2); 32, s. 2 (2); 3 (sess. 2), s. 2(2).
c. 18 -	Settled Estates -	Rep. (Jan. 1, 1925) - -	16, ss. 70 (4), 191 (2).
c. 25 -	Solicitors - -	Ss. 10, 13 substituted -	57, ss. 1, 3, 10 (2), Sch.
c. 51 -	India Loan - -	Am. - - - - -	9, ss. 4, 5, 10.
42 & 43 Vict.:			
c. 6 -	District Auditors -	S. 3 excluded - - -	14, s. 2.
c. 60 -	East India Loan -	Am. - - - - -	9, ss. 4, 5, 10.
43 Vict. c. 10 -	East India Loan (E.I. Rlwy. Deb.)	Am. - - - - -	9, ss. 4, 5, 10.
43 & 44 Vict.:			
c. 42 -	Employers' Liability.	Made permanent (so far as unrepealed).	50, s. 1 Sch. 1.
c. 45	Crim. Law Amdt. -	Rep. - - - - -	56, s. 6 (2), Sch.
44 & 45 Vict.:			
c. 41 -	Conveyancing -	Ss. 30, 41, 42 (4) (5), 43, 45 (5) (6), 62 rep., 3, 7, 8 (1), 14 (6) (i), 16, 21 (2), 23 (3) (4), 47 (1), 65 am., 7 (1) (F.), 24, 42 (1)–(3) (7), 44, 45, 67 applied, 5, 42, 48 ext., 45 excluded, 19 (1) (ii) (iii), 24 explained, prosp.	16, ss. 1 (7) (8), 30 (2), 53 (3), 61, 78 (1), 86 (1), 88 (5), 91 (2) (3), 92 (2) (5) (6) (9), 95 (2), 97 (2), 101, 108, 132 (4), 139 (3), 143 (3), 145, 156 (11), 158 (1), 191 (2), Sch. 3, 4, 15.
c. 44	Solicitors' Remuneration.	S. 2 ext. - - - -	16, ss. 139 (1) (iii), 186 (1), 187 (1), 191 (2), Sch. 14.
c. 58 -	Army - -	Ss. 44 (1) (*f*) am., (2A) added; 46A am. and renumbered 47; 76, 87 (2), 190 (8) am.	6, ss. 4–6, 8, 9.
45 & 46 Vict.:			
c. 38	Settled Land -	Ss. 2 (4) (6) in part, 4 (6), 14, 19, 20 (3), 24 (1)–(3), 26, 60 in part, 63 rep., 37 (1), 58 (1) (ii) substit., 2 (10) (i), 5, 6, 13, 16, 17 (1), 21, 25, 37 (2), 39 (1), 45 (2) 59, 60 am., ss. 3, 5, 7 (3)–(5), 10, 31 (2)–(4), 38, 44, 50–1, 58–60, 61 (4) (5) applied, 5, 13, 20, 50 (3), 56–7, 58 (1) (ix), 60 ext., 24, 39, 45, 50, 58 (1) (ix) excluded, 50, 58 (1) (ix) saved, prosp.	16, ss. 11–3, 26 (1), 35, 36 (5) (6), 42 (1), 43 (3) (5) (7), 45 (3) (8), 47, 48 (2), 51 (6) (9) (10), 53 (1) (3) (6), 54 (1), 55 (1) (2), 59 (3) (4) (6), 60 (1), 64, 65 (1) (11), 66 (3), 68 (1), 69 (1)–(3), 71, 126 (3) (*b*), 166, 191 (2), Sch. 4–6, 10, 16.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 12 & 13 Geo. 5. or 13 Geo. 5. (Sess. 2).
45 & 46 Vict.: c. 50 -	Municipal Corporations.	S. 186 (1) rep. - - -	11, ss. 4 (1) (2), 8 (4), Sch.
c. 74 -	Post Office (Parcels).	S. 2 (2) am. - - -	49, s. 1.
46 & 47 Vict. c. 14.	Constabulary and Police Force (I.)	S. 9 applied - - -	55, s. 1 (6).
47 & 48 Vict: c. 18 -	Settled Land -	Ss. 6, 7 rep. (Jan. 1, 1925)	16, ss. 35, 71, 191 (2), Sch. 10 [1 (13)].
c. 39 -	Naval Discipline -	S. 7 rep. - - - -	37, s. 9 (3), Sch.
48 & 49 Vict.: c. 28 -	East India Loans -	Am. - - - -	9, ss. 4, 5, 10.
c. 69 -	Crim. Law. Amdt.	Ss. 5 (1st proviso), 6 (proviso) rep., 5 (2nd proviso) am., 13 as to penalties substituted.	56, ss. 2–4, 6 (2), Sch.
50 & 51 Vict. c. 26.	Allotments, &c. -	Rep. - - - -	51, s. 23 (2), Sch.
51 & 52 Vict.: c. 41 -	Loc. Govt. - -	S. 54 am. - - - -	12, s. 2.
c. 51 -	Land Charges Registration.	Ss. 4 "land charges," 5, 18 ext., 4 "judgment," 7, 10, am., 11, 13 excl., 12, 17 applied.	16, ss. 14, 16 (4) (5), 128, 191 (2), Sch. 7, 12 (6).
c. 55 -	Sand Grouse -	Made permanent (so far as unrepealed).	50, s. 1, Sch. 1.
c. 65 -	Solicitors - -	Am. (power to make general regs.), s. 16 applied.	57, ss. 6, 7.
52 & 53 Vict.: c. 36 -	Settled Land -	Rep. (Jan. 1, 1925) - -	16, ss. 44 (7), 191 (2).
c. 40 -	Welsh Intermediate Education.	Made permanent (so far as unrepealed).	50, s. 1, Sch. 1.
c. 49 -	Arbitration - -	Applied - - - -	59, s. 22.
c. 55 -	Universities (Scotland).	S. 21 ext. - - -	31, s. 1.
c. 63 -	Interpretation -	S. 12 (1) in part, (9) (10) virt. rep., (5) modified.	2 (sess. 2), s. 1, Sch. 1, Sch. 2, part II.
53 & 54 Vict.: c. 5 -	Lunacy - -	Ss. 111 am., 133–43, 333, ext.	60, ss. 1, 2 (2)–(4) (7).
c. 57 -	Tenants' Compensation.	Rep. - - -	51, s. 23 (2), Sch.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 12 & 13 Geo. 5. or 13 Geo. 5. (Sess. 2).
53 & 54 Vict.: c. 69 -	Settled Land -	Ss. 9, 10 (2), 16 am., 11 ext., 12, 19 rep. (Jan. 1, 1925).	16, ss. 14, 35, 37, 43 (4), 51 (1) (2), 58 (3), 71, 191 (2), Sch. 7 [4 (3)], 10 [1 (14), 3 (3)].
c. 70 -	Housing of the Working Classes.	S. 67 (2) (*d*) am. - -	33, s. 4.
54 & 55 Vict.: c. 24 -	Public Accounts and Charges.	S. 2 ext. - - - -	32, s. 3; 3 (sess. 2), s. 3, Sch. (B.).
c. 39 -	Stamp - -	S. 114 am. - - -	17, s. 46.
c. 65 -	Lunacy - -	S. 27 ext. - - - -	60, s. 2 (8).
55 & 56 Vict.: c. 40 -	Superannuation -	Ss. 1, 4 (*e*) ext. - -	2 (session 2), s. 7 (2).
c. 54 -	Allotments (Scotland).	Ss. 2 (1) "and that such . . . . for the same," (2), 7 (1), 12, 16 definition of "allotment," rep.	52, ss. 8 (2), 20, Sch. 1.
c. 55 -	Burgh Police (Scotland).	S. 347 extended to allotments.	52, s. 17 (3).
56 & 57 Vict.: c. 53 -	Trustee - -	Act and ss. 10, 12, 47 applied, ss. 10 (1) (2) (*c*), 11 (1), 12 (3), 26 (i) (ii) (*c*), 35 (1) (i), (ii) (*c*) and prov. (*a*), 47 am., 10 (1) (3) (5) (6) ext., 12 ext., and restricted.	16, ss. 13, 21 (3), 51 (7) (8), 110 (2) (3) (6) (8)–(11), 112 (1)–(4), 113 (1) (2), 116, 127, 166, 191 (2), Sch. 6, 16, pt. II.
c. 66 -	Rules Publication -	S. 1 excluded - - -	4, s. 1 (3); 2 (sess. 2), s. 6 (3).
		S. 1 applied - - -	28, ss. 2, 4; 54, ss. 8 (1), 14 (*a*).
c. 70 -	East India Loans -	Am., ss. 5–11, 14–6, 19, incorporated.	9, ss. 4, 5, 8, 10.
c. 73 -	Local Govt. (Audit)	S. 58 (1) (2) am. - -	14, s. 1.
		S. 63 applied - - -	54, s. 11 (2).
57 & 58 Vict.: c. 30 -	Finance - -	S. 20 ext. - - -	17, s. 45.
c. 46 -	Copyhold - -	Prosp. am. and made applicable by rules; copyhold prosp. abolished.	16, part V. and ss. 139 (1) (2) (4), 143, 191 (2).

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 12 & 13 Geo. 5. or 13 Geo. 5. (Sess. 2).
57&58 Vict. :			
c. 57 -	Diseases of Animals	S. 18 (1) (*a*) in part temp. excluded. "Imported" substit. for "foreign," ss. 30 ext., 59 (1) defn. of "foreign" am., Sch. 3 excluded as to animals from Ireland, Sch. 3, pt. I. as to those from Canada.	8, s. 1. 5 (session 2), ss. 1 (1), 2, 3, 9, 10 (3) (4).
c. 58 -	Local Govt. (Scotland).	Ss. 24 (4), 26, rep. - -	52, s. 20, Sch. 1.
c. 60 -	Merchant Shipping	Ss. 76, 692 applied - -	21, s. 2 (4) (5).
59 & 60Vict. :			
c. 25 -	Friendly Societies	Ss. 47–50 saved - -	16, ss. 29, 191 (2).
c. 50 -	Poor Law Officers' Superannuation.	Saved - - - -	59, s. 27.
60 & 61 Vict. c. 65.	Land Transfer -	Ss. 1–5, 6 (4) (5) (8) (10), 16 (3), 23 (3) in part, 24 (2) rep., 7 (1)–(4), 12–3, 14 (2), 16 (1), 20 (1) rep. and substituted, 6 (1) (3) (4), 8 (3), 20 (8)substituted, 6 (2) (6) (7), 7 (6) (7), 8 (1) (4), 9 (1)–(3) (6), 10, 14 (1), 24 (1), Sch. 1 am., 9 (6), 20 (5)–(7) (9) excluded, 8 (4) extended, prosp.	16, ss. 156 (11), 166, 173, 175, 177 (1) (2), 179 (5), 181, 183 (1) (4) (5) (7), 187, 191 (2), Sch. 16.
61 & 62Vict. :			
c. 13 -	East India Loans -	Am. - - - -	9, ss. 4, 5, 10.
c. 48 -	Benefices - -	Saved - - - -	16, ss. 22 (2), 191 (2).
c. 49 -	Vaccination - -	Made permanent (so far as unrepealed).	50, s. 1, Sch. 1.
c. 55 -	Universities and College Estates.	S. 1, Sch. 1 (pt. 1) and 3 ext.	16, ss. 46 (4), 60 (3), 65 (12), 191 (2).
62 & 63Vict.			
c. 19 -	Electric Lighting (Clauses).	Sch., ss. 3 excluded, 31 (2) rep., 32 (2) substituted.	46, ss. 5 (5), 22, Sch.
c. 51 -	Sale of Food and Drugs.	S. 20 applied as modified -	29, s. 4, Sch.
1 Edw. 7. c. 22.	Factory and Workshop.	S. 141 applied - - -	35, s. 3 (3).
2 Edw. 7. c. 35.	Electric Lighting (Scotland).	S. 1 am. - - - -	46, s. 29.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 12 & 13 Geo. 5. or 13 Geo. 5. (Sess. 2).
3 Edw. 7. c. 36.	Motor Car - -	S. 21 virt. rep., Act made permanent (so far as unrepealed).	50, s. 1, Sch. 1.
4 Edw. 7.: c. 15 -	Prevention of Cruelty to Children.	S. 27 virt. rep. - - -	56, s. 2.
c. 21 -	Capital Expenditure (Money).	Applied - - - -	45, s. 1 (4).
5 Edw. 7.: c. 18 -	Unemployed Workmen.	Made permanent (so far as unrepealed).	50, s. 1, Sch. 1.
c. 19 -	East India Loans -	Am. - - - -	9, s. 7.
6 Edw. 7.: c. 14 -	Alkali, &c., Works Regulation.	S. 9 (6) am. - - -	17, s. 47.
c. 55 -	Public Trustee -	S. 4 (3) ext. - - -	16. s. 188 (30).
7 Edw. 7.: c. 32 -	Public Health (Regulations as to Food).	Applied - - - -	28, ss. 2, 4.
		Applied, s. 1 (*d*) added -	54, ss. 8, 14 (*a*).
c. 41 -	Whale Fisheries (S.)	Am. s. 2 (8) saved - -	34, ss. 1, 2.
8 Edw. 7. c. 36	Small Holdings and Allotments.	Ss. 40, 44 saved - -	16, ss. 145, 191 (2), Sch. 15.
		Ss. 25 (3), 27 (1), 30 (2) proviso, rep.; 41, Sch. I., pt. II., para. 2 (*b*), excluded; s. 52 (2) applied.	51, ss. 8 (2),(5), 9, 18 (1), 23 (2), Sch.
c. 38 -	Irish Universities -	S. 12 in pt. rep. - -	57, s. 10 (2), Sch.
c. 45 -	Punishment of Incest.	S. 5 rep. - - - -	56, s. 5.
c. 54 -	East India Loans -	Am., s. 5 incorporated -	9, ss. 7, 8.
c. 67 -	Children - -	S. 12 applied - - -	18, s. 1 (4).
c. 69 -	Companies (Consolidation).	S. 93 ext. - - -	16, ss. 14, 191 (2), Sch. 7.
9 Edw. 7.: c. 10 -	Superannuation -	S. 7 ext. - - - -	2 (session 2), s. 7 (2).
c. 30 -	Cinematograph -	Excluded - - - -	35, s. 2 (iii).
c. 34 -	Electric Lighting -	Ss. 10, 15 rep., 21 applied -	46, ss. 5 (2), 22 (6), 23 (2).
c. 41 -	Naval Discipline -	S. 2 rep. - - - -	37, s. 9 (3), Sch.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 12 & 13 Geo. 5. or 13 Geo. 5. (Sess. 2).
10 Edw. 7. & 1 Geo. 5.:			
c. 5 -	East India Loans -	Am. - - -	9, s. 7.
c. 8 -	Finance - -	S. 48 am. - - -	17, s. 9.
1 & 2 Geo. 5.:			
c. 26 -	Telephone Transfer	S. 5 applied - - -	45, s. 1 (5).
c. 37 -	Conveyancing -	Ss. 3 saved, 6 applied, 12 rep. prosp.	16, ss. 30 (1), 91 (3), 156 (11), 191 (2).
c. 40 -	Lunacy - -	S. 1 am. - - - -	60, s. 2 (5).
c. 55 -	Nat. Health Insurance.	S. 78 rep. - - -	50, s. 2, Sch. 2.
2 & 3 Geo. 5.:			
c. 20 -	Crim. Law Amdt.	S. 4 (2) (3) rep. - -	56, ss. 3, 6 (2), Sch.
3 & 4 Geo. 5.:			
c. 26 -	Highlands and Islands (Med. Service) grant.	S. 6 (2) rep. - - -	50, s. 2, Sch. 2.
c. 37 -	Nat. Health Insurance.	S. 28 am. - - - -	38, s. 2.
4 & 5 Geo. 5.:			
c. 17 -	British Nationality and Status of Aliens.	Ss. 1 (1) (*b*) substituted, 1 (1), 27 (1) am.	44, ss. 1, 2.
c. 46 -	Milk and Dairies (Scotland).	S. 1 am., Act postponed -	54, ss. 1, 14 (*b*).
c. 49 -	Milk and Dairies -	Repeal made final - -	54, s. 1 (and see S.R. & O. 1922, No. 908).
c. 59 -	Bankruptcy - -	Ss. 47 saved, 54 am., 132 ext., prosp.	16, ss. 16 (2), 179 (9), 180, 191 (2).
c. 78 -	Courts (Emergency Powers).	Continued in part only -	50, s. 3 (1), Sch. 3.
5 & 6 Geo. 5.:			
c. 4 -	Land Drainage -	S. 4 (2) rep. - - -	50, s. 2, Sch. 2.
c. 30 -	Naval Discipline -	S. 16 rep. - - -	37, s. 9 (3), Sch.
c. 48 -	Fishery Harbours	Made permanent - -	50, s. 1, Sch. 1.
c. 59 -	Milk and Dairies Acts Postponement.	Rep. as to S. - - -	54, ss. 1, 14 (*b*).
c. 61 -	Government of India.	S. 101 (3) (*d*) substituted -	20, s. 1.
c. 66 -	Milk and Dairies Consolidation.	Postponed; s. 21 (1) am. -	54, s. 1.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 12 & 13 Geo. 5. or 13 Geo. 5. (Sess. 2).
5 & 6 Geo. 5.:			
c. 73 -	Naval Discipline (No. 2).	S. 5 rep. - - - -	37, s. 9 (3), Sch.
c. 82 -	Post Office and Telegraph.	S. 2 (2) rep. - - -	49, s. 3 (2).
c. 89 -	Finance (No. 2) -	Ss. 8 (1), 11, 12 (1) continued, 12 (1) "blank film" ext., 38 (3) am., 45 (5) applied, Sch. 1 (pt. III.) ext. and am.	17, ss. 4, 5, 6 (2), 12, 35–7.
6 & 7 Geo. 5.:			
c. 11 -	Finance (New Duties).	S. 1 explained, 1 (5) ext. and am.	17, ss. 11, 13.
c. 14 -	Summer Time -	Temp. saved and replaced	22, ss. 1–3.
c. 24 -	Finance - -	Ss. 1–4 virt. rep., 22 am. -	17, ss. 2, 3.
c. 37 -	Transfer of India Stock.	S. 6 excluded - - -	9, s. 6.
c. 45 -	Time (Ireland) -	In part temp. superseded -	22, ss. 1–3.
c. 63 -	Defence of the Realm (Acquisition of Land).	Ss. 1 (1), 3, 6 (3) extended	47, s. 1.
c. 67 -	War Loan - -	S. 1 (6) made permanent as to holding Govt. securities acquired before Aug. 31, 1922.	50, s. 1, Sch. 1, pt. II.
7 & 8 Geo. 5.:			
c. 19 -	Coroners (Emergency Provisions).	Continued to Dec. 31, 1922	2, s. 1.
c. 31 -	Finance - -	S. 34 (4) (*a*) restricted -	17, s. 34 (7).
c. 34 -	Naval Discipline -	S. 2 rep. - - - -	37, s. 9 (3), Sch.
c. 51 -	Air Force (Constitution).	S. 7 from "and section two" rep.	37, s. 9 (3), Sch.
c. 62 -	Nat. Health Insurance.	Ss. 2 virt. rep., 29 temp. am.	38, ss. 2, 3.
c. 64 -	Representation of the People.	Ss. 13 (1), 15 (1) ext. Ss. 6, 11, 44 (11) (*d*), Sch. 1 am. as to dates. S. 34 (4) added - -	11, s. 1 (10) (11). 12, s. 1, Sch. 41, s. 1.
	Air Force - -	Ss. 76, 87 (2), 190 (8) am.	6, ss. 7–10.
8 & 9 Geo. 5.:			
c. 15 -	Finance - -	S. 9, Sch. 3 in part rep. -	17, s. 6 (1).
c. 23 -	Juries - - -	S. 7 continued to Dec. 31, 1922.	2, s. 1.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 12 & 13 Geo. 5. or 13 Geo. 5. (Sess. 2).
8 & 9 Geo. 5. :			
c. 40 -	Income Tax -	Ss. 33 (2), 148 (with mods.), General Rules 21 (2) applied; s. 47 am. and ext., Sch. 4 am; Sch. A, Rule 7 of No. V, (1) (*b*), (2) and Rule 8 (1) temp. am., Rule 8 (3) substituted; Sch. B am., Rule 7 applic. to Sch. B am.; Sch. D am., Rule 2 applic. to Cases I. and II. applied to Sch. E, Rule 2 applic. to Case III. substituted; Sch. E, Rules 1, 5, 18 (5) am., 4 rep., 7 applied.	17, ss. 17–33, 49 (1) (4), Sch. 3.
c. 41 -	Isle of Man (Customs).	S. 2 (as to tobacco), Sch. 1, continued.	36, s. 1.
c. 55 -	School Teachers' Superannuation.	Am. - - - -	42.
		Ss. 20 (1) am., 12 (2) deemed applied to Scotland.	48, s. 4.
9&10 Geo. 5.:			
c. 17 -	Education (Scotland) (Superannuation).	Am., s. 8 applied - -	48, ss. 1, 2.
c. 32 -	Finance - -	Ss. 6 (1) proviso substituted, 9 virt. rep. as to chicory, 19 rep., 8 applied.	17, ss. 1–4, 8, 49 (4), Sch. 3.
		S. 8 applied - - -	36, s. 5.
c. 35 -	Housing, Town Planning, &c.	S. 31 saved - - -	16, ss. 41 (5), 191 (2).
c. 37 -	War Loan - -	S. 1 (1) applied - -	17, s. 40.
c. 43 -	Govt. of the Soudan Loan.	Sch. am. - - - -	15, s. 1.
c. 50 -	Ministry of Transport (Canals).	S. 3 (1) (*e*) ext., 21 applied	27, ss. 1 (1) (2).
c. 59 -	Land Settlement (Facilities).	S. 29 saved - - -	16, ss. 41 (5), 191 (2).
		Ss. 3–5 rep. - - -	50, s. 2, Sch. 2.
		S. 1, period ext. to Dec. 31, 1922; s. 21 (4) rep.	51, ss. 8 (1), 19 (2).
c. 63 -	Agric. Land Sales	S. 2, def. of "holding" restricted.	51, s. 22 (6).
c. 68 -	Constabulary and Police (I.).	Virt. rep. as to R.I.C. on disbandment of force.	55, s. 1 (1).
c. 74 -	Isle of Man (Customs).	S. 2 (as to ale or beer) continued.	36, s. 2.
c. 82 -	Irish Land (Provision for Sailors and Soldiers).	S. 4, powers of Loc. Govt. Bd. for I. transferred prosp.	2 (session 2), s. 3 (3) (7).

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 12 & 13 Geo. 5. or 13 Geo. 5. (Sess. 2).
9&10 Geo.5.:			
c. 86 -	Anglo-Persian Oil Company.	Am., s. 3 (2) rep. - -	26, ss. 1–3.
c. 97 -	Land Settlement (S.)	S. 19 rep.; s. 20, Sch. 1 (6) (*b*) substituted.	52, ss. 6 (2) (*d*), 8 (3), 20, Sch. 1, 2.
c. 100 -	Electricity (Supply)	Ss. 5 (2), 6 (1), 12 (1), 16, 29 (1) am., 14 rep., 11, 19 restricted, 29 (2) ext., 22 ext. and applied.	46, ss. 7 (1) (6), 11, 13, 16 (1), 17 (3), 19–21.
10 & 11 Geo. 5.:			
c. 10 -	Nat. Health Insurance	S. 7 temp. am. - - -	38, ss. 1, 5.
c. 18 -	Finance - -	S. 13, Sch. 2 prosp. am., 52 (1) excluded, 52 (2) am., 29 rep. 58 applied.	17, ss. 14, 39, 42–3, 49 (4), Sch. 3.
c. 22 -	Eccles, Tithe Rentcharge (Rates).	S. 1 (2) restricted - -	58, s. 1.
c. 21 -	Harbours, Docks, &c. (Charges).	Act am. and cont.; s. 1 (1) (*b*) excluded.	23, ss. 1, 2 (2)–(5).
		Ss. 2–4 applied - -	27, s. 1 (3).
c. 29 -	Overseas Trade -	S. 2 (2) am. - - -	4 (session 2), s. 4.
c. 30 -	Unemployment Insurance.	Ss. 5 (2) (3), 7 (1) (i), 12 (3), Sch. 1, pt. II. (*d*), Sch. 2 (3) (6) am.; 2 ext.; 8 (4), Sch. 2 (2) restrict.; Sch. 1, pt. II. (*bb*) added; 27 rep.	7, ss. 1, 2, 3 (3), 4, 6 (1), 8, 10, 14, 16 (2), (8), Sch. 1.
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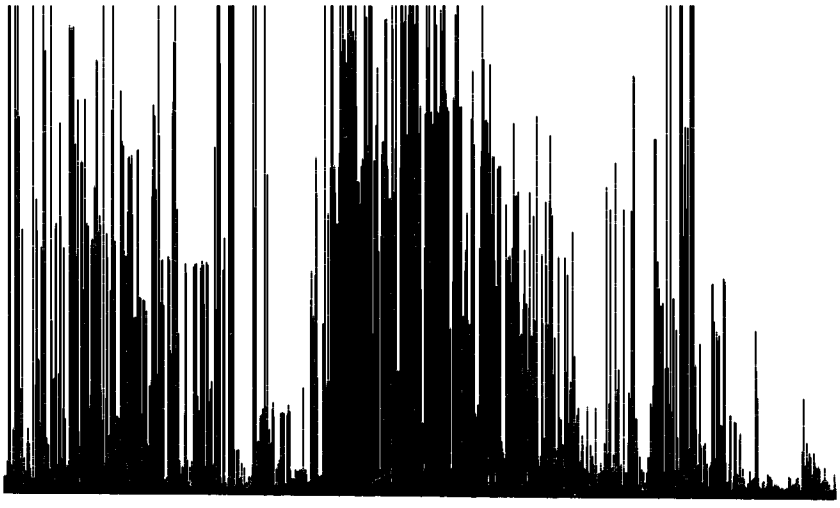
c. 44 -	Fertilisers (Temp. Control of Export).	Rep. - - - - -	50, s. 2, Sch. 2.
c. 67 -	Government of Ireland.	Prosp. saved as to Northern Ireland; ss. 2 (2), 4, 18 (2) (oath), 23, 54–60, Sch. 6, 8, 9 am., s. 19 virt. rep. as to Southern Ireland.	4, s. 1 (4), Sch.
		S. 24 (1) am. - - -	17, s. 41.
		Ss. 9, 57 am. - - -	55, ss. 1 (10), 2.
		Am. by constitution of Irish Free State, excluded as to North Ireland prosp. (on address*); ss. 42–3, and virt. ss. 39, 44, Sch. 7, pt. I., rep.; ss. 10 (2) 2nd proviso, 22–4, 32 (1), 37 (3) (as applied), 49, 50, 56 (2) am.	1 (session 2); 2 (session 2), Schs. 1, 2.

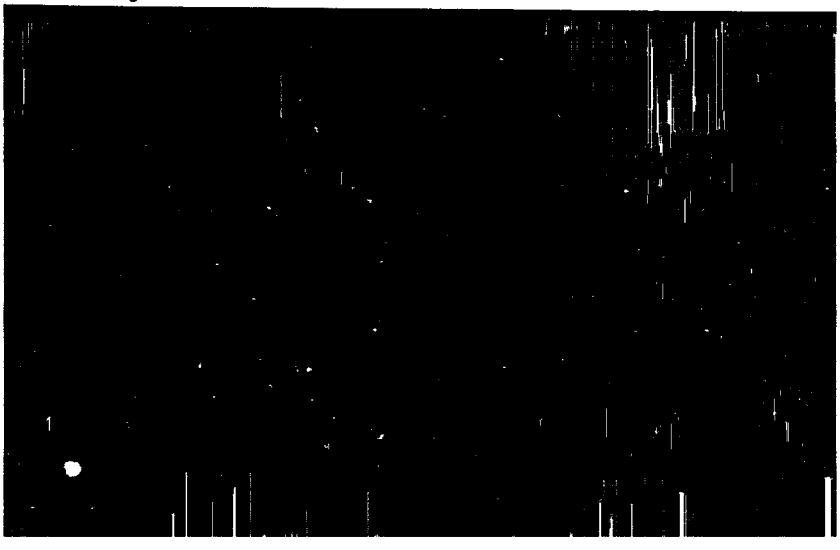
* For the address by both Houses of the Parliament of Northern Ireland under Art. 12 of Sched. to 12 & 13 Geo. 5. c. 4 and s. 5 of 13 Geo. 5. c. 1 (session 2), *see* London Gazette of Dec. 12, 1922 (p. 8794).

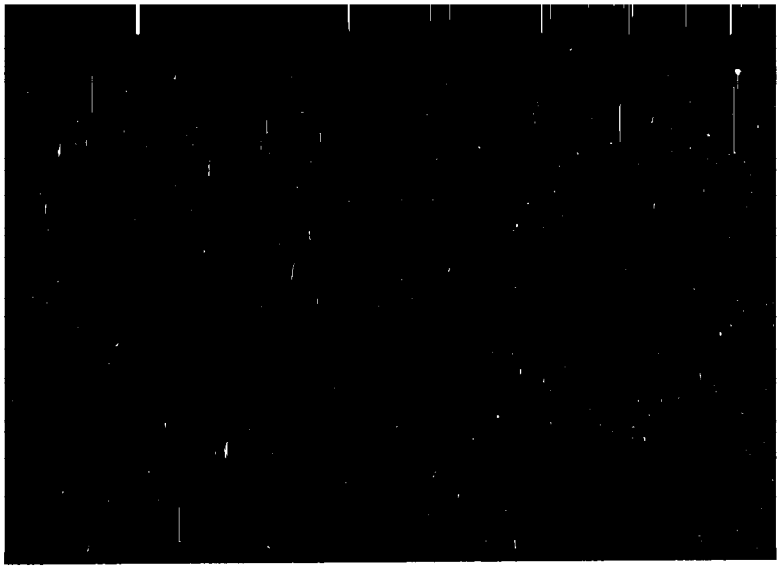


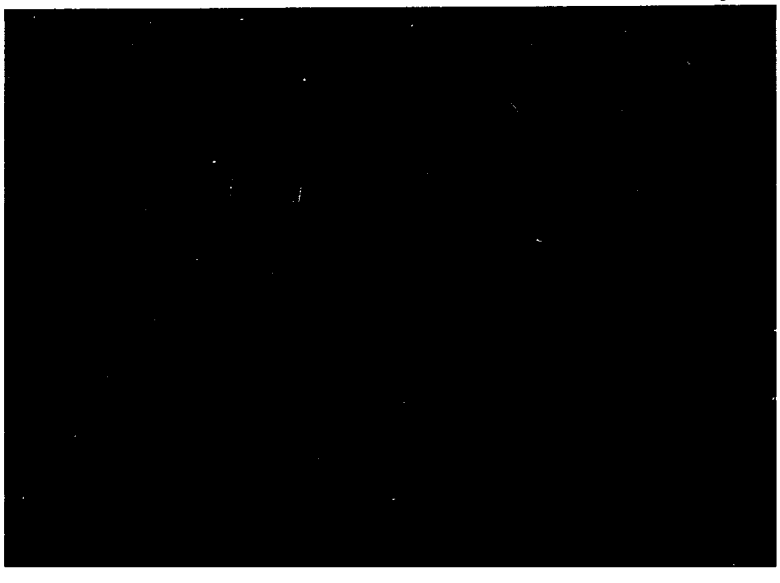
PUBLIC GENERAL ACTS, 1922.

Corrigendum.

Page 710.—Column 3, last paragraph. For "excluded as to North Ireland" substitute "restricted to Northern Ireland."







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c. 40 -	Isle of Man (Customs).	Ss. 3, 5 cont., 4 substituted	36, ss. 3, 4, 5.
c. 47 -	Safeguarding of Industries.	Am. as to compound articles	17, s. 10.
c. 55 -	Railways - -	Temp. applied - - -	2 (session 2) Sch. 1 [3 (2)].
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I.	,,	,,	Ireland.
G.B. and N.I.	,,	,,	Great Britain and Northern Ireland.

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